



150 East Main Street, Hillsboro, OR 97123  
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## LAND USE APPEAL APPLICATION

Please print legibly using black/dark blue ink or type. Appellants are encouraged to review the submittal criteria and requirements on the following page prior to completing this application.

**APPEAL OF CASE FILE NO.:** (i.e.: PUD 1-05) \_\_\_\_\_

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(s) Name/Contact: \_\_\_\_\_

Business Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Appellant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### APPELLANT'S REPRESENTATIVE (if applicable)

Representative's Name/Contact: \_\_\_\_\_

Business Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### SITE DESCRIPTION

Tax Map #(s) \_\_\_\_\_ Tax Lot #(s) \_\_\_\_\_

Frontage Street or Address \_\_\_\_\_

### APPEAL HEARING REQUESTED

 Please check one of the following:

- \_\_\_\_\_ On the Record (No new testimony admissible.)
- \_\_\_\_\_ De Novo (New testimony admissible on all issues.)
- \_\_\_\_\_ Limited De Novo (New testimony limited to specified issues.)

### REASON FOR REQUEST

Please attach a written statement responding to the applicable statements below:

The reason I wish to appeal is...

The decision is in error because...

The following provisions of the Hillsboro Comprehensive Plan goals or policies were/were not considered or were in error...

The following provisions of the Hillsboro Zoning and/or Subdivision Ordinance were/were not considered or were in error...

**(For Office Use Only)**

Appeal Accepted by \_\_\_\_\_ Date \_\_\_\_\_

Fee(s) Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

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# LAND USE APPEAL APPLICATION (CONTINUED)

The applicable sections of the HILLSBORO ZONING ORDINANCE No. 1945 are as follows:

**Section 117. Enforcement.** The Planning Director shall have the power and duty to enforce the provisions of this Ordinance. Notwithstanding any other provision of this ordinance, the Planning Director has the authority to make reasonable accommodations in the application of this ordinance when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling to the extent required by federal or state law. In considering whether an accommodation is reasonable, the Planning Director may consider whether the request puts an undue burden or expense on the city and whether the proposed use creates a fundamental alteration in the zoning ordinance. The accommodation may result in a permitted or conditional waiver of any limitation of this ordinance. An appeal from the ruling of the Planning Director shall be made to the Hearings Board, with the exception that an appeal of the Planning Director's decision on a Development Review application shall be made to the Planning Commission under the provisions of Section 133 X.

**Section 118. Appeal to the City Council.** Any action or ruling of the City Planning Commission or Planning and Zoning Hearings Board may be appealed to the City Council, within 15 days after the City Planning Commission or Planning and Zoning Hearings Board has rendered its decision, by filing written notice with the City Recorder. All appeals filed shall be accompanied by payment of a fee equal to one-half the fee paid for the original application. The appellant may also request a verbatim transcript of the recorded proceedings before the Planning Commission and the Planning and Zoning Hearings Board on the matter. Requests for transcripts shall be accompanied by a \$200.00 deposit. The City shall maintain an accurate record of the costs of the transcript preparation, and any unexpended portion of the deposit shall be refunded to the party making the request.

If no appeal is taken within the 15 day period, the decision of the Planning Commission, or Planning and Zoning Hearings Board, on all applications shall be final, except when enactment by the City Council is required.

If an appeal is filed, the City Council shall hold a hearing at least for argument on the matter, and shall receive as testimony the recommendation or decision of the Planning Commission or the Planning and Zoning Hearings Board, together with the documentation supporting the decision. Notice of the City Council hearing shall be made by the same procedure required for the initial application. Any party aggrieved by a final determination of the City Council on an appeal may have the decision reviewed as provided under ORS 34.010 to 34.100.

## **Section 119. Form of Petitions, Applications, and Appeals.**

- (1) Petitions, applications, and appeals provided for in this Ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the City in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Where plans must be submitted, the plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets.
- (2) Applications for building permits shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and the dimensions of the lot to be built upon; the exact sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, other structure, or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine conformance with the provisions of this Ordinance and of the uniform building code.

The applicable sections of the HILLSBORO SUBDIVISION ORDINANCE No. 2808 are as follows:

## **Article VIII. Appeal**

**Section 1. Appeal.** An appeal to the City Council or Planning Commission from any final decision of the Planning Commission or Planning Director may be made by filing written notice with the City Recorder within 15 days after such decision is made. A fee must be submitted with the filed notice of appeal, equal to one-half the fee for the original application. If the appeal is of the Planning Director's decision on a tentative subdivision plat application, the amount of the appeal fee shall be one-tenth of the fee for the original application.

# LAND USE APPEAL APPLICATION

## (CONTINUED)

(A) Notice shall set forth in detail the nature of the decision and the grounds upon which the appeal is being made.

(B) The City Council or the Planning Commission following the filing of said appeal, shall set a time for a hearing on the appeal to be held within 40 days of receipt by the City Recorder.

(C) Unless specifically excepted by the Council or the Commission, appeals shall be based on the record before the Planning Commission or the Planning Director.

1. The Planning Director's Record of Decision shall consist of the application materials, comments from department heads and affected agencies, public notification affidavits, public testimony, staff reports, conditions of approval, and supporting findings, and the Notice of Decision.
2. The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted Resolution and supporting findings.

(D) Either the City Council or the Planning Commission proceedings, as applicable, shall be conducted in accordance with the rules adopted by that body. Either the Council or the Commission, as applicable, shall make findings based on the Record before it and testimony received by it, and may uphold, modify, or overturn the earlier Decision.

(E) An appeal to the City Council of the Planning Commission's decision, either on a tentative subdivision plat or on appeal of a Planning Director's decision, may be made by filing written notice with the City Recorder within 15 days of the date of the Decision. Any such appeal shall be processed according to the requirements of this Section.

(F) All final orders made pursuant to the procedures set forth in this Article shall be reviewable by the Circuit Court of the State of Oregon.

# SUBMITTAL REQUIREMENTS

## (LAND USE APPEAL)

- Appeals must be filed within 15 days of the date of decision, except for in the case of a Hillsboro Comprehensive Plan Amendment, which is to be filed within 15 days of the date of the mailing of the notice of decision.
- Appeals must be filed with the City Recorder when appealing to the City Council; and to the Planning Department when appealing the Planning Director's decision.

### **Land Use Appeal Applications must include the following:**

- Twenty-five (25) copies plus the original, signed application form with a written narrative explaining the reason for appeal (see questions on application form). This information may be reproduced so please print clearly using black or blue ink or type.
- Twenty-five (25) copies plus original of any site plans and other materials essential to understanding the appeal.
- All submitted material must be to scale (1" = 30', 1" = 100' or 1" = 200'), folded, and collated in sets.
- The appropriate filing fee **PAYABLE TO CITY OF HILLSBORO**. Please consult the fee schedule for current fees.

### **FOR MORE INFORMATION PLEASE CONTACT:**

City of Hillsboro Planning Department  
150 East Main Street, 4<sup>th</sup> Floor, Hillsboro, OR 97123  
Phone: (503) 681-6153  
Fax: (503) 681-6245  
E-mail: [planning\\_dept@ci.hillsboro.or.us](mailto:planning_dept@ci.hillsboro.or.us)  
Website: [www.ci.hillsboro.or.us](http://www.ci.hillsboro.or.us)