APPEAL APPLICATION 2016

OFFICE USE ONLY: (Pre-Application Conference is Optional for Type 1)

Total App Fee: _____ File #:_____ Project Cost: _____

Less Pre-App Fee: _____Date: _____ Receipt: _____

Balance Due: _____ Date: _____ Receipt: _____

TYPE - PLEASE CHECK ONE:

___Appeal of a Type I Decision (i.e. Design Review for a Duplex, Sign, or Single Family Residence)
___Appeal of a Type II Decision (i.e. Variance, or Design Review, Subdivision)
___Appeal of a Type III Decision (i.e. Conditional Use Permit)
___Appeal of Peddler, Solicitor, or Temporary Merchant
___Other (explain):_____

APPLICANT INFORMATION:

APPLICANT:_____

ADDRESS:

_____

PHONE: _____MOBILE: _____FAX:_____

CO-APPLICANT (if applicable):_____PHONE_____

ADDRESS:

_____

GENERAL INFORMATION:

PROJECT NAME: _____

FILE NUMBER OF PROJECT BEING APPEALED: _____

PROJECT LOCATION:_____

PROJECT DESCRIPTION / USE: _____

BRIEFLY DESCRIBE THE REASON FOR YOUR APPEAL**:**

_____

_____

_____

_____

_____

_____

SPECIFIC APPEAL REQUIREMENTS ARE ATTACHED

General Checklist: ___ Fees ___ Notice Information ___ Written Response Supporting Appeal.

THE ABOVE STATEMENTS AND INFORMATION HEREIN CONTAINED ARE IN ALL RESPECTS TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AFFIRM THAT I WAS PARTY TO THE INITIAL PROCEEDINGS.

_____ _____

Applicant Signature Date Owner Signature Date

_____ _____

Print Name Print Name

GENERAL INFORMATION
Appeal Process

Type I: An appeal of a Type I decision by the Director may be appealed within 14 calendar days of the date of the decision by the Director. Appeals may be made only by an Affected Party, Type I (the person or party submitting the application). Appeals of a Type I application are processed as a Type III Procedure and proceed to the Planning Commission.

Type II: An appeal of a Type II decision by the Director may be appealed within 14 calendar days of the date of the decision. Appeals may be made only by an Affected Party, Type II (the applicant, any party entitled to receive notice of the decision, or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of a Type II application are processed as a Type III Procedure and proceed to the Planning Commission.

Type III: An appeal of a Type III decision by the Planning Commission must occur within 14 calendar days of the Planning Commission's written decision. Appeals may be made only by an Affected Party, Type III.

Type III actions that require an ordinance to be adopted in order to become effective shall be reviewed by the City Council as a new hearing. The City Council shall receive the recommendation from the Planning Commission to the City Council on these actions. The action will not be considered final for the purpose of appeals, until a final decision is rendered by the City Council.

The initial appeal of a Type I, Type II, or Type III decision shall be a new hearing. Any second appeal to the city council of a Type I or Type II decision shall be a record hearing unless the applicant requests a new hearing and waives the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. Appeal of a Type II decision must be based on the written comments raised prior to the expiration notice comment period pursuant to NMC 15.100.220. Appeal of a Type III decision made by the planning commission must be based on the written or oral testimony and evidence raised in the record of the planning commission.

The record shall include:

- A factual report prepared by the Director.
- All exhibits, material, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review.
- The minutes of the hearing and a detailed summary of the evidence.

Peddler, Solicitor, or Temporary Merchant: Any applicant for a license or registration which is denied may appeal the decision to the city manager. The city manager may accept or reject the decision of city staff, waive any requirements imposed, or refer the matter to the city council. The applicant may appeal the decision of the city manager to the city council. All appeals must be made by submitting a formal request of an appeal to the city manager, together with a nonrefundable processing fee as established by city council resolution. (No fee as of 04/04/2013)

- **Submit Application**

  - Pay Fees (and deposit for transcript if required)
  - Complete Appeal Form
  - Submit other required information

- **Processing Type I, II, III:** A meeting will be scheduled before the Planning Commission or City Council.
    - Staff will perform a completeness check of the appeal application and notify the appellant by phone or in writing if any information is missing. Processing Time: 0 to 3 days.
    - Staff will schedule the appeal for the next available agenda, typically 4-6 weeks.
    - Staff will route the application to affected agencies and City departments. Processing Time: 14 to 20 days.
    - Applicant will provide copies of mailed notice to the City for review, mail the approved notice to property owners within 300 ft of the site, and provide staff with an affidavit verifying that the notice was mailed. Processing Time: 14 to 20 days.
    - A party aggrieved by the final determination may appeal the decision to the Land Use Board of Appeals.

- **Processing Peddler, Solicitor or Temporary Merchant:**
    - Complete application form with reasons and details
    - Processing Time: up to 14 days
    - If requested, a face to face meeting with the City Manager will be scheduled

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Helpful Hints:

- **Questions?** Information is free! Please do not hesitate to call (503) 537-1210 prior to submitting the application.

- **Partial Applications:** Please do not submit partial applications. If the application, fee, deposit for transcript costs, and other required information are not submitted together; the processing will be delayed and the application may not be accepted for review. Please check the general checklist on the appeal application to make sure you have everything. If you have questions call the Planning Division. The more work you can do prior to submittal, the faster the application can be processed.

- **Face to Face:** It is best to submit an application in person. That way you can receive immediate feed-back if there's missing information or suggestions for improvements.

CITY OF NEWBERG
REQUIREMENTS FOR MAILED NOTICES

For all Type II and Type III land use applications, mailed notice must be sent to all property owners within five hundred (500) feet of the site. Newberg Development Code § 15.100.210 sets forth the requirements for mailed notices. The applicant is responsible for preparing and mailing the notices, for paying the postage, and for submitting an affidavit of mailing within two days of mailing the notices.

Mailing List:

- The applicant must create a mailing list including the tax lot numbers and addresses of property owners within five hundred (500) feet of the outer boundaries of the tax lot or tax lots of the proposed project. This information can be obtained at a local title company.
- The Planning and Building Department may request that notice be provided to people other than those who own property within five hundred (500) feet of the site, if the Department believes that they are affected or otherwise represent an interest that may be affected by the proposed development.
- The mailing list and a copy of the mailed notice should be submitted with the affidavit of mailing.
- Envelopes returned to the post office should go to the Community Development office so that theycan be kept with the application file. The return address on the notices should read:

  City of Newberg
  Community Development Department
  P.O. Box 970
  Newberg, OR 97132

  A return address stamp is available at the Planning and Building Office for your convenience.

Mailed Notice Deadlines:

- Before mailing the notice, the applicant must submit a copy for approval to the City of Newberg Community Development Department at 414 E. First Street.
- For Type II actions, the notice must be mailed at least fourteen (14) days before a decision is rendered. For Type III actions, the notice must be mailed at least twenty (20) days before the first new hearing, or if two or more hearings are required, ten (10) days before the first new hearing.
- The affidavit of mailing must be submitted to theCommunity Development Office within two (2) daysof mailing the notice.

Sample Notices:

Sample notices are included for each type of land use application. Information to be filled in by the applicant is indicated by italicized text.

CITY OF NEWBERG
REQUIREMENTS FOR POSTED NOTICES

For all Type II and Type III land use applications, the site must be posted with an approved notice. Newberg Development Code §15.100.260 establishes the standards for posted notices. Before notice is posted on the site, a copy of the notice must be submitted to the Planning and Building Office for review. Within two (2) days of posting the site, an affidavit of posting must be submitted to the Planning and Building Office.

Posted notices must contain the following information:

- ☐ Planning Division file number
- ☐ A brief description of the proposal
- ☐ Phone number and address for the City of Newberg Community Development Department
- , 414 E. First Street, phone (503) 537-1240

Guidelines for Posting Notice:

- ☐ The posted notice must to be waterproof and a minimum of two (2) feet by three (3) feet in size.
- ☐ Each frontage of the site must be posted. If a frontage is more than six hundred (600) feet in length, additional notices are required for each six hundred (600) feet or fraction thereof. For example, a lot with a 1400' frontage on Wynooski Street must be posted with three notices along that frontage.
- ☐ The notices must not be posted within the public right-of-way, though they must be within ten (10) feet of it.
- ☐ The notices must be clearly visible to pedestrians and motorists in the public right-of-way, and must not be posted on trees.
- ☐ For Type II applications, the site must be posted at least fourteen (14) days before a decision is rendered.
- ☐ For Type III applications, the site must be posted at least ten days (10) before the first scheduled hearing.

Signs for posted notices:

The posted notices must be able to withstand adverse weather. All posted notice signs must conform to the attached example. Signs must be landscape orientation and white with black lettering ("sans-serif" font i.e. Arial or block printing).

Signs may be ordered custom-made from sign companies such as Chehalem Sign Co., or applicants may construct their own signs.

Acceptable materials for notice signs:

(Dimensions: minimum 2' x 3')

- ☐ Plywood (but sign face must be white)
- ☐ Plastic or corrugated plastic
- ☐ Foam core board (available at many art and hobby supply shops)
- ☐ Water resistant poster board
- ☐ Other weatherproof materials

Posted notice signs may not be attached to trees, and must be located outside the public right-of-way but within ten (10) feet of it. Therefore, the signs should have legs or stakes or otherwise be freestanding.

Removal of Posted Notice:

The notice must remain posted until a final decision is made. Within ten (10) days of the final decision, the notice(s) must be removed from the site by the applicant.

Land Use Notice

FILE # (insert the file number assigned to you at the time of application)

PROPOSAL: (insert general description of project)

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Community Development Department
414 E First Street
Phone: 503-537-1240

2′

3′

CITY OF NEWBERG
SAMPLE POSTED NOTICE

- Notice must be white with black letters, and must be landscape orientation, as shown above.
- The notice must be lettered using block printing or a “sans-serif” font, such as Arial.

NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: July 1, 2016

5% Technology fee will be added to total fees (resolution No. 2016-3268)

PRE-APPLICATION REVIEW **$100**

TYPE I (ADMINISTRATIVE REVIEW)

- ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION **$161**
- PROPERTY CONSOLIDATION **$161**
- CODE ADJUSTMENT **$399**
- DESIGN REVIEW – TYPE I (DUPLEX OR COM. /IND. MINOR ADDITION REVIEW) **0.3% OF PROJECT VALUE, $399 MINIMUM**
- MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION **$161**
- MAJOR MODIFICATION OF TYPE I DECISION ..... **50% OF ORIGINAL FEE**
- PARTITION FINAL PLAT ..... **$798 + $71 PER PARCEL**
- PROPERTY LINE ADJUSTMENT **$798**
- SIGN REVIEW ..... **$72 PLUS $1.00 PER SQ. FT. OF SIGN FACE**
- SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT ..... **$1596 + $71 PER LOT OR UNIT**

TYPE II (LAND USE DECISION)

- ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION **$798**
- MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION **$161**
- MAJOR MODIFICATION OF TYPE II DECISION ..... **50% OF ORIGINAL FEE**
- DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) **0.6% OF TOTAL PROJECT COST, $798 MINIMUM***
- PARTITION PRELIMINARY PLAT ..... **$798 PLUS $71 PER PARCEL**
- SUBDIVISION PRELIMINARY PLAT ..... **$1596 PLUS $71 PER LOT**
- VARIANCE **$798**

***FOR ANY DESIGN REVIEW FEE IN EXCESS OF $10,000, 50% OF THE DESIGN REVIEW FEE IS DUE AT TIME OF APPLICATION AND 50% DUE AT TIME OF BUILDING OR SIMILAR PERMIT ISSUANCE.**

TYPE III (QUASI-JUDICIAL REVIEW)

- ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION **$1691**
- ANNEXATION ..... **$2223 PLUS $214 PER ACRE**
- COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC) **$2084**
- CONDITIONAL USE PERMIT **$1691**
- MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION **$161**
- MAJOR MODIFICATION OF TYPE III DECISION ..... **50% OF ORIGINAL FEE**
- HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION **$0**
- HISTORIC LANDMARK ELIMINATION **$1938**
- SUBDIVISION PRELIMINARY PLAT ..... **$1596 PLUS $71 PER LOT**
- PLANNED UNIT DEVELOPMENT ..... **$3376+$71 PER LOT OR UNIT**
- ZONING AMENDMENT (SITE SPECIFIC) **$2106**

TYPE IV (LEGISLATIVE AMENDMENTS)

- COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION **$2395**
- DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION **$2395**

APPEALS

- TYPE I OR II APPEAL TO PLANNING COMMISSION **$459**
- TYPE I OR II APPEAL TO CITY COUNCIL **$830**
- TYPE III APPEAL TO CITY COUNCIL **$974**
- TYPE I ADJUSTMENTS OR TYPE II VARIANCES THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT **$258**

OTHER FEES

- COMMUNITY DEVELOPMENT FEE ..... **0.75% OF PROJECT COST**
- CITY HALL FEE ..... **0.25% OF PROJECT COST**

(THE ABOVE TWO CHARGES ADDED TO ANY BUILDING PERMIT APPLICATION)

- EXPEDITED LAND DIVISION ..... **$5929 + $71 PER LOT OR UNIT**
- URBAN GROWTH BOUNDARY AMENDMENT **$3790**
- VACATION OF PUBLIC RIGHT-OF-WAY **$1573**

LICENSE FEES

- PEDD LER/SOLICITOR/STREET VENDOR ..... **No fee (Business License fee only)**
- TEMPORARY MERCHANT ..... **$97/45 days or $316/perpetual**

TECHNOLOGY FEE ..... **5% OF TOTAL PLANNING FEES**

ADDITIONAL LAND USE REVIEW FEES

Planning Review, Partition and Subdivision (Type 11/111 Application) - **$258.50 - 19 lots, Plus $11.50 per lot over 20 lots**

Final Plat Review, Partition and subdivision ..... **$258.50 Plus ..... $6.50 per lot or parcel**

Development review for public improvements on Commercial, Industrial & Multifamily Developments

$361.50 1st Acre $206.50 Additional acre

ADOPTION AND REVISION HISTORY:

Adopted by: Resolution 98-2122, July 6, 1998
Amended by: Resolution 99-2214, December 8, 1999
Resolution 2000-2265, October 2, 2000
Resolution 2001-2318, November 19, 2001
Executive Order January 2, 2007 (Reso. 99-2210)
Executive Order October 24, 2008
Executive Order, December 16, 2002 pursuant to Resolution 99-2210
Executive Order, January 22, 2002 pursuant to Resolution 99-2210
Resolution 2004-2466, November 3, 2003
Resolution 2007-2752, December 3, 2007
Executive Order November 29, 2011(2011-32)
Executive Order October 24, 2012(2012-34)
Resolution 2014-3140, May 19, 2014
Executive Order April 1, 2015 (2015-42)
Resolution 2016-3268, April 18, 2016