

LAND MANAGEMENT DIVISION



APPEAL OF A HEARING'S OFFICIAL DECISION

PUBLIC WORKS DEPARTMENT 125 E 8th AVENUE, EUGENE OR 97401
Planning: 682-3807 Building: 682-3823 Sanitation: 682-3754

For Office Use Only. FILE # CODE: FEE:

Appellant: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Appellant's Representative : \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

LOCATION (subject property)

Township - Range - Section - Taxlot Subdivision/partition lot/parcel

You have one of two appeal options. Your appeal application will be rejected if it does not contain all the required submittals.

Required Option 1 submittals:

Option 1 (The appellant requests Hearing's Official Reconsideration OR Board of Commissioner Review in a Hearing.)

- 1. Fee is \$3,812 appeal fee, payable to Lane County. (See the reverse side for important fee information)
2. A copy of the decision being appealed, with the Department file number. File #
3. Indicate the deadline to submit the appeal. (Found in the Hearing Official's Decision)
4. Check one of the items below to identify your party status with the right to appeal the Hearings Official's decision:
- I am the owner or contract purchaser of the subject property;
- I am the applicant for the subject application;
- Prior to the decision by the Hearings Official, I submitted written testimony into the record
- I am not one of the persons mentioned above, but wish to appeal the Hearings Official's decision for the reasons explained in my letter.
5. A letter that addresses each of the following three standards:
a. The reason(s) why the decision of the Hearings Official was made in error or why the Hearings Official should reconsider the decision;

- b. An identification of one or more of the following general reasons for the appeal, or request for reconsideration:
    - The Hearings Official exceeded his or her authority;
    - The Hearings Official failed to follow the procedure applicable to the matter;
    - The Hearings Official rendered a decision that is unconstitutional;
    - The Hearings Official misinterpreted the Lane Code, Lane Manual, State Law, or other applicable criteria.
  - c. The Hearings Official should reconsider the decision to allow the submittal for additional evidence not in the record that addresses compliance with the applicable standards or criteria.
6. Any additional information in support of your appeal.

**EXPLANATION OF THE APPEAL PROCESS UNDER OPTION 1**

There are 3 steps involved in an appeal of a Hearings Official decision. Each requires a fee for services.

**Step 1**

When the appeal is submitted, the Hearings Official has the option to reconsider the decision (Refer to LC 14.535). If the Hearings Official reconsiders the decision, the fee is \$1,242.

**Step 2**

If the Hearings Official elects not to reconsider the decision, the appeal is forwarded to the Board of County Commissioners. The fee is \$1,584.80. The Board then decides whether or not to hear the appeal (Refer to LC 14.600)

**Step 3**

If the Commissioners elect to hear the appeal, the fee for the Board hearing is \$2,227.20. If the Board does not elect to hear the appeal, the parties of record may appeal the decision to the Land Use Board of Appeals (LUBA). If the Commissioners do not hear the appeal, \$150 of the \$1,534.80 fee (Step 2 above) will be refunded, in addition to the \$2,227.20, for a total refund of \$2,377.20.

**Explanation of the Appeal Fee Under Option 1**

The total due when submitting the appeal is \$3,812. You will get a refund if the Hearings Official reconsiders the decision, or the County Commissioners elect not to hear the appeal.

If the Hearings Official reconsiders the decision, the refund is \$2,570.

If the County Commissioners elect not to hear the appeal, the refund is \$2,377.20.

If the Board elects to hear the appeal, there is no refund.

**Required Option 2 submittals:**

**Option 2; The appellant requests that the Board not conduct a hearing on the appeal and deem the Hearing’s Official decision the final decision of the County. (Note, the Board may still choose to review the appeal pursuant to Lane Code 14.500(2) or the Hearing’s Official may still reconsider the decision pursuant to LC 14.535).**

1. Fee is a non-refundable \$250 appeal fee, payable to Lane County.
2. A copy of the decision being appealed, with the department file number. File # \_\_\_\_\_
3. Indicate the deadline to submit the appeal. (*Found in the Hearing Official’s Decision*) \_\_\_\_\_
4. Check one of the items below to identify your party status with the right to appeal the Hearings Official’s decision:

\_\_\_ I am the owner or contract purchaser of the subject property;

I am the applicant for the subject application;

Prior to the decision by the Hearings Official, I submitted written testimony into the record

I am not one of the persons mentioned above, but wish to appeal the Hearings Official's decision.

5. Any additional information in support of your appeal.

#### **EXPLANATION OF THE APPEAL PROCESS UNDER OPTION 2**

LMD Staff will prepare a memorandum (with an Order) for the Board to review the appeal during their regular public meetings as an item under the Public Works section. The parties of record will be notified of the tentative meeting date on which the Board will review the appeal.

There may be no separate discussion of this item. If Board discussion is desired, that item will be considered separately in an Elect to Hear appeal hearing pursuant to Lane Code 14.600.

If the Board approves an Order and elects to not conduct a hearing, the final County land use decision may be appealed to Land Use Board of Appeals.