

ORDINANCE NO. 1489

AN ORDINANCE SETTING RULES FOR APPEAL AND REVIEW OF PLANNING COMMISSION DECISIONS AND DECLARING AN EMERGENCY.

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

THERE IS HEREBY ADDED TO THE MUNICIPAL CODE, TITLE 17, CHAPTER 17.11, SECTIONS 17.11.010-17.11.080, WHICH IS TO READ AS FOLLOWS:

CHAPTER 17.11 APPEAL FROM PLANNING COMMISSION DECISION

SECTION 17.11.010 PERSONS WHO MAY APPEAL

Any aggrieved person may file an appeal for review of any written decision rendered by the City Planning Commission in the administration or enforcement of any City ordinance. However, the initiator of the appeal must have participated in the original hearing as either a proponent, opponent, or interested party.

SECTION 17.11.020 INITIATION OF AN APPEAL.

A. An appeal must be filed with the City Recorder within fifteen calendar days of the date the written decision of the Planning Commission is filed with the City Recorder.

B. The filing fee preserved by the schedule of fees adopted by City Council Resolution must be paid at the time the appeal is filed.

C. The appeal shall consist of a formal letter which outlines the following information:

1. The decision to be reviewed including the date of the decision.

2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.

3. A statement as to whether the review is to cover either the procedural or substantive aspects of the initial proceedings including:

a. The type of review sought.

b. The specific grounds relied upon as reason for the review.

SECTION 17.11.030 REVIEW ON CITY'S MOTION.

A. The City on it's own motion may initiate a review of any Planning Commission decision provided the motion is made within thirty (30) days of the Planning Commission's written decision.

SECTION 17.11.040 TYPES OF REVIEW. Any planning Commission decision before the Council on appeal or review may be considered by one of the two processes listed below.

1. Limited to a review of the record.

a. Unless otherwise provided by the City Council review of the decision on the appeal shall be confined to the record of the proceeding. The record may include:

(1) The findings and decision of the Planning Commission.

(2) A written factual report prepared by the City Administrative Officer.

(3) All exhibits, materials, pleadings, memorandas, stipulations, and motions submitted by any party which were received or considered in reaching the decision under the review.

(4) The verbatim transcript of the hearing or a detailed summary of the evidence.

b. In considering the record the Council may also receive:

(1) Arguments on the record by the appellant but not including additional evidence.

(2) An oral or written report prepared by the Planning Commission.

2. A De novo hearing on the merits.

a. A de novo hearing shall mean a new hearing by the City Council. All testimony, evidence and other materials from the record of the previous proceedings, including any verbatim transcript, or evidence summary may be considered as part of the review.

SECTION 17.11.050. NOTICE OF APPEAL HEARING. Notice of the appeal hearing by the City Council shall be mailed at least ten days prior to the hearing to the appellant and other persons who participated in the original hearing. However, failure to give such notice shall not invalidate any decision made as a result of the appeal.

SECTION 17.11.060. CITY COUNCIL DECISION.

A. The City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the Planning Commission decision under review, or may remand the matter or any aspect of the matter to the Planning Commission for its further consideration and decision. When the City Council modifies or reverses a decision of the Planning Commission it shall set forth its findings supporting reasons for taking such action. When the City Council elects to remand the matter to the hearing body for such further consideration as it deems necessary, it shall include a statement of its reasons.

B. The City Council shall render its final decision no later than thirty (30) days from the date its review is concluded

and shall file its written decision no later than 10 days thereafter with the City Recorder. The appellant shall be sent a copy of the written decision within five (5) days after the decision is filed with the City Recorder.

SECTION 17.11.070. COST OF TRANSCRIPT. If an appellant requests the City to produce a verbatim transcript of the Planning Commission proceedings the appellant shall bear the cost of such transcript according to the City's schedule of fees. If the City on its own motion orders a verbatim transcript to be produced for the purpose of an appeal or review the City shall bear that cost.

SECTION 17.11.080. EMERGENCY DECLARED.

WHEREAS, the City of Hood River has recently enacted a new zoning ordinance which does not contain specific procedures for appeal from Planning Commission decisions, and it is necessary for proper and efficient administration of the zoning ordinance that this ordinance be enacted; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the affirmative vote of two-thirds of the members of the City Council and Mayor.

Read for the first time: Dec. 23, 1980

Read for the second time: Jan. 13, 1981

13<sup>th</sup> day of January, 1981. PASSED by the Council of the City of Hood River, this

Barthel M. Swyers  
City Recorder

13<sup>th</sup> day of January, 1981. APPROVED by the Mayor of the City of Hood River, this

Charles F. Beardsley  
Mayor