



City of Canby
Planning Department
222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

LAND USE APPLICATION

Appeal of Planning Commission Decision Process Type III

APPLICANT INFORMATION: *(Check ONE box below for designated contact person regarding this application)*

☐ Applicant Name: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Representative Name: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- ❶ All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ❷ All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ❸ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

FILE NUMBER OF DEVELOPMENT BEING APPEALED: _____

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

APPEAL OF PLANNING COMMISSION DECISION – TYPE III

Instructions to Appellant

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: PlanningApps@canbyoregon.gov

Applicant
Check

City
Check

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | One (1) paper copy of application. The City may request further information at any time before deeming the application complete. |
| <input type="checkbox"/> | <input type="checkbox"/> | Payment of appropriate fees – cash, credit card or check only. Refer to the city's Master Fee Schedule for current fees. Checks should be made out to the <i>City of Canby</i> . |
| <input type="checkbox"/> | <input type="checkbox"/> | A written statement of appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. The reasons why the appellant is aggrieved shall be provided in regards to the criteria and standards in 16.89.050 (I) (2) (c). |

APPEAL OF A PLANNING COMMISSION DECISION—APPLICATION PROCESS

Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.
2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.
4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City.