



City of Coburg Land Use Application Guidelines

Type II Procedure (Administrative)

(ORDINANCE A-200G, ARTICLE X.C. Administration and Enforcement)

The purpose of land use applications is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. **Table X.1** of the Coburg Zoning Code (ORD. A-200G) provides a key for determining the review procedure and the decision-making body for particular approvals. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures: Type I, II, III, and IV.

Type II decisions are made by the City Planning Official or designee *with* public notice, and an opportunity for a public hearing if appealed. Type II decisions *may be* heard by Planning Commission. The appeal of a Type II decision is heard by the Planning Commission.

1. **Pre-application Conference.** A pre-application conference is optional for Type II reviews. Pre-application conference requirements and procedures are in Section F.
2. **Application Requirements.**
 - a. Application Forms. Type II applications shall be made on forms provided by the City Planning Official or designee.
 - b. Submittal Information. The application shall:
 - (1) Include the information requested on the application form;
 - (2) Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making.
Note: additional information may be required under the specific application requirements for each approval, e.g., Section X.II (Land Use Review), X.III (Land Divisions), 4.6 X.VI (Modifications), X.VIII (Code Interpretations), and X.IV (Miscellaneous Permits);
 - (3) Be accompanied by the required fee.
3. **Notice of Application for Type II Administrative Decision.**
 - a. Before making a Type II Administrative Decision, the City Planning

Official or designee shall mail notice to:

- (1) All owners of record of real property within a minimum of 100 feet of the subject site;
 - (2) All City-recognized neighborhood groups or associations whose boundaries include the site;
 - (3) Any person who submits a written request to receive a notice; and
 - (4) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
- b. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.
- c. Notice of a pending Type II Administrative Decision shall:
- (1) Provide a 14-day period for submitting written comments before a decision is made on the permit;
 - (2) List the relevant approval criteria by name and number of code sections;
 - (3) State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - (4) Include the name, telephone number, and email of a contact person regarding the Administrative Decision;
 - (5) Describe proposal and identify the specific permits or approvals requested;
 - (6) Describe the street address or other easily understandable reference to the location of the site;
 - (7) State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

- (8) State that all evidence relied upon by the City Planning Official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
- (9) State that after the comment period closes, the City Planning Official or designee shall issue a Type II Administrative Decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
- (10) Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Coburg Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

4. Administrative Decision Requirements. The City Planning Official or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the City Planning Official or designee shall approve, approve with conditions, or deny the requested permit or action. If the application has unique or unclear characteristics the City Planning Official, and/or the applicant, may refer the application to the Planning Commission for review in a public hearing, in which case the review shall follow the Type III procedures in Section C.

5. Notice of Decision.

- a. Within five days after the City Planning Official or designee signs the decision, a Notice of Decision shall be sent by mail to:
 - (1) The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
 - (2) Any person who submits a written request to receive notice, or provides comments during the application-review period;
 - (3) Any City-recognized neighborhood group or association whose boundaries include the site; and
 - (4) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
- b. The City Planning Official or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was

mailed within the time required by law.

c. The Type II Notice of Decision shall contain:

- (1) A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);
- (2) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
- (3) A statement of where the City's decision can be obtained;
- (4) The date the decision shall become final, unless appealed;
- (5) A statement that all persons entitled to notice may appeal the decision; and
- (6) A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

6. Final Decision and Effective Date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

7. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

a. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

- (1) The applicant or owner of the subject property;
- (2) Any person who was entitled to written notice of the Type II administrative decision;
- (3) Any other person who participated in the proceeding by submitting written comments.

b. Appeal filing procedure.

- (1) Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;
- (2) Time for filing. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the

Notice of Decision was mailed;

- (3) Content of notice of appeal. The Notice of Appeal shall contain:
 - (i) An identification of the decision being appealed, including the date of the decision;
 - (ii) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (iii) A statement explaining the specific issues being raised on appeal;
 - (iv) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - (v) Filing fee.
- c. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing de novo before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
- d. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II Administrative Appeals, as provided in Sections D. 3–5;
- e. Further appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

Applicants are encouraged to contact the Coburg Planning Department to discuss specific details about their project prior to application submittal. If a Type II application is processed as a Type III, then a pre-application meeting is required.