



City of Durham

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Appeals Of Land Use Decisions

A person may appeal a Type 1 decision by the City Administrator and a Type 2 or 3 decision by the Planning Commission by submitting a Notice of Appeal to City Hall and an appeal fee. The City Council considers all appeals.

Notice of Appeal Requirements

The Notice of Appeal needs to:

1. be in writing and signed by the appellant;
2. be received at City Hall by the close of business no later than 12 days following the date that the decision was mailed;
3. state the appellant's interest in the property(ies) affected by the City's decision by describing:
 - how and when the person appeared in the original decision proceedings, whether orally or in writing, or another basis for the person's standing to appeal;
 - the portion(s) of the decision that is the basis of the appeal and the issue(s) the person intends to raise on the appeal.
 - The specific approval criteria/condition being appealed;
 - The specific reason why a finding or condition is in error as a matter of fact or law or both; and
 - Specific evidence relied on to allege error.

The City Council, in its discretion, may deny any appeal that does not comply with the Notice requirements. A Notice of Appeal that is filed late will not be considered.

The original applicant for a land use decision has the burden of proof and persuasion notwithstanding whether the appeal was filed by a person other than the applicant. The City Council will consider all appeals of a land use decision by a public hearing. A public hearing of the appeals will be scheduled at the City Council's next available meeting. The original applicant and the appellant should attend the public hearing to testify.

The City Council's decision on an appeal of a Type 1, 2 or 3 decision may be appealed to the Oregon Land Use Board of Appeals within 21 days from the City Council's decision.