

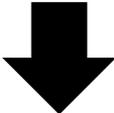
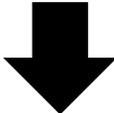


# City of Durham

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## Land Use Decision Process

<b>Type 2</b>	<b>Type 3</b>
A decision by the Planning Commission with prior notice but without a public hearing.	A decision by the Planning Commission after a public hearing.
	
<b>Pre-application Conference</b> City staff and applicant discuss the application process and requirements. Fee: \$160 for 2-hour consultation	
<b>Neighborhood Meeting</b>	
Not required.	A neighborhood meeting to discuss the application is required. Minutes of the meeting should be submitted with the application.
<b>Application Submitted</b> City Administrator has 30 days to determine if the application is complete. The City Administrator will issue a Notice of Completion.	
<b>Notice</b> City posts notice on the property.	
City Administrator provides notice to: <ul style="list-style-type: none"> <li>the applicant;</li> <li>owners of record of property within 300 feet of the property that is the subject of the application; and</li> <li>any government agency that is entitled to notice.</li> </ul> 14-day comment period.	City Administrator schedules a public hearing. City Administrator provides notice to: <ul style="list-style-type: none"> <li>the applicant;</li> <li>owners of record of property within 300 feet of the property that is the subject of the application;</li> <li>the general public by a published public notice; and</li> <li>any government agency that is entitled to notice.</li> </ul> 20-day comment period.
<b>Staff Report</b>	
City Planner reviews application, any written comments, and prepares a report.	City Planner reviews application, any written comments, and prepares a report and recommendation submitted to the Planning Commission 7 days prior to public hearing.

<b>Criteria for Approval</b>	
The applicant has the burden of proof and persuasion.	
<p>The proposal must be allowed in the underlying zone. The proposal complies with applicable provisions of the DDC and any other applicable regulations. The Planning Commission may place conditions on the approval.</p>	<p>The proposal must be allowed in the underlying zone. The proposal complies with the site design criteria and any special regulations that are applicable. If the application concerns a new or successor phase of a land division, a conditional use, or a planned residential development, the applicant has vested in the prior land use permit and any conditions of approval of a prior phase have been met. The Planning Commission may place conditions on the approval.</p>
<b>Decision</b>	
<p>Planning Commission makes a decision at its regular meeting. Members of the public may provide written comments or public testimony at the meeting. Staff mails decision to the applicant, every person who commented on the application, and every person who received the notice of application.</p>	<p>The Planning Commission makes a decision based on a Finding of Facts and a conclusion of law. Members of the public may provide written comments or public testimony at the public hearing. Staff mails decision to the applicant, every person who submitted comments or oral testimony on the application, and every person who received the notice of application</p>
<b>Appeal</b>	
<p>After the decision, there is a 12-day appeal period.</p> <p>There is an appeal filing fee. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing will be refunded.</p> <p>Appeals must be in writing and describe how and when the person appeared in the decision proceedings, the person's interest in the property, and the portion of the decision that being appealed. The original applicant bears the burden of proof that the decision satisfies the DDC approval criteria.</p> <p>The City Council considers appeals of Type 1, 2, or 3 land use decisions through a quasi-judicial hearing.</p> <p>City Council appeal decisions may be appealed to the Oregon Land Use Board of Appeals within 21-days of the decision if the issue was raised in the original public hearing.</p>	
<b>Final Approval</b>	
<p>The final decision for all actions including resolution of appeals is made within 120 days after the application is deemed complete.</p>	