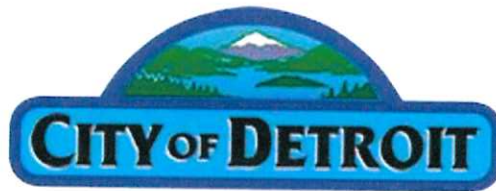


CONDITIONAL USE PERMIT FOR 3RD RV

1. Complete Pre-App Conference Application – Fee \$1200
4.1.5.A “Pre-Application conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 4.1.5.C. This requirement may be waived by the City Planner.”
2. Complete Conditional Use Permit – Fee \$1350
3. Application will be sent to City Planner. The City Planner will route to agencies for comments.
4. The City Planner will prepare and send notice to neighboring properties 20 day prior to Public Hearing. Property owner will also post notice on property for 10 days prior to Public Hearing.
5. Public Hearing will be held
6. A final decision will be filed with the City Recorder within 10 days of Public Hearing
7. A Notice of Decision will be mailed to applicant and anyone with standing within 5 days of the decision.
4.1.5.H “Appeal. A Type III decision may be appealed to the City Council as follows:
 1. Who may appeal. *The following people have legal standing to appeal a Type III Decision:*
 - a. *The applicant;*
 - b. *Any person who was mailed written notice of the Type III administrative decision;*
 - c. *Any other person who participated in the proceeding by submitting written comments.”*
8. Appeal – Any person withstanding to appeal must file a Notice of Appeal with the City Recorder within 14 days of the date the Notice of Decision was mailed.
9. Pay Filing Fee – to be established by the City



DEVELOPMENT PERMITTING PROCESS SUMMARY

Thank you for your interest in developing property in the City of Detroit. This cover sheet is intended to help guide you through the requirements for permitting development in the City of Detroit in accordance with the [Detroit Development Code](#), which can be viewed here: <https://detroitoregon.us/development-code/>

STEP 1: Schedule A Pre-Application Conference

Scheduling this meeting involves filling out a form, submitting a preliminary site plan and a list of questions that you want staff to address about your project, and paying a deposit to cover the costs incurred for staff time, planning, and engineering services – which are provided by third parties on a contract basis. Providing these items is critical to receiving good feedback from the City on what will be required for the project to be successful.

The Pre-application conference should include all the members of the Applicant's development team. Most projects will require a team of development professionals such as a civil engineer, architect, surveyor, or other contractors that will be responsible for completing the project. Staff responsible for reviewing the required applications will be invited to attend the meeting and answer the Applicant's questions. These staff typically include the city recorder, planner, engineer, fire department, and building permit officials. The Planner will provide a summary of the permitting requirements – including the applications that will be required, the submittal requirements for those applications, the standards and approval criteria the project will need to meet, and the process the applications will follow to receive approval.

STEP 2: Prepare and Submit the Required Applications

The Pre-application summary will describe the applications and submittal requirements needed to permit the project. The next step is to use the information received from the Pre-application meeting to prepare the required applications to meet all the applicable standards and approval criteria required by the Detroit Development Code. Once the application is submitted, the City has 30 days to review the application for completeness and notify the Applicant of any information missing from the application. When the Applicant provides the missing information, the application can be deemed complete and the review process will begin.

STEP 3: Review and Decision

The City has 120 days from the date that the application is deemed complete to issue a final decision. The review process typically involves scheduling a public hearing before the Planning Commission, circulating the application to affected public agencies, sending notice to neighbors, preparing a staff report and issuing the final decision. The following City departments will be responsible for reviewing and approving the following elements of the project:

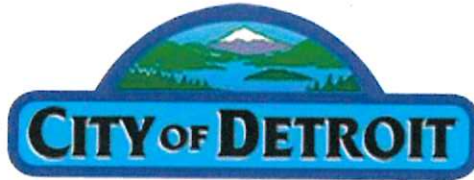
Planner: The City Planner will review the project for compliance with local and state land use and zoning requirements and prepare staff reports and recommend actions to decision making bodies such as Planning Commission and City Council. Most projects require a Land Use Compatibility Statement (LUCS) signed by the Planner verifying the project complies with applicable land use and zoning requirements.

City Engineer: Following land use approval, the City Engineer will review final development plans for any new public facilities and connections that are required to be constructed to serve the project including stormwater facilities, streets, and water infrastructure.

Fire Department: The fire department will review plans to ensure the project provides access for emergency vehicles and fire hydrants and that any required fire suppression mechanisms are provided to protect public health and safety.

Marion County Building/Septic: Will review plans for compliance with building code and septic requirements prior to issuing construction permits. A Certificate of Occupancy will be issued when building and septic permitting officials have completed all the required inspections.

Post Office Box 589
 Detroit, Oregon 97342
 www.detroitoregon.us



P (503)854-3496
 F (503)854-3232
 detroit@wvi.com

PRE-APPLICATION REQUEST FORM

APPLICANT		
Name:	Phone:	Date:
Mailing Address:		E-mail Address

APPLICATION FOR	
Address of Subject Property:	
Project Name:	
Assessor Map No:	Tax Lot No:
Subdivision Name:	Lot #:
SUBMITTAL REQUIREMENTS: See page 3	

USE THE BACK OF THIS FORM FOR ADDITIONAL INFORMATION

THE APPLICANT SHALL FURNISH ALL NECESSARY DRAWINGS, EVIDENCE AND STATEMENTS

_____ Applicant Signature	_____ Property Owner Signature
_____ Applicant Name Printed	_____ Property Owner Name Printed
_____ Date	_____ Date
Application Accepted by:	
Date:	
Deposit \$ _____ Date: _____ Check No. _____	

PROJECT DESCRIPTION

Please describe the proposed project including the general physical features of the site and current uses:

PROJECT QUESTIONS

Please list specific questions and/or issues you wish to have answered at the pre-application conference:

1.

2.

3.

4.

A pre-application request shall include the following:

- 1. Deposit
- 2. A preliminary site plan showing the following information as applicable:
 - The proposed development site, including boundaries, dimensions, and gross area;
 - Features identified on the existing site analysis map which are proposed to remain on the site;
 - Features identified on the existing conditions plan if any, which are proposed to be removed or modified by the development;
 - The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - A calculation of the total impervious surface before development and the total effective impervious surface after development;
 - The location and dimensions of all storm water or water quality treatment, infiltration and/or retention facilities;
 - The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
 - Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - Loading and service areas for waste disposal, loading and delivery;
 - Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
 - A list of specific questions related to the development proposal that the applicant wants City staff to address;
 - Other information, determined by the City Recorder, or the City Recorder's designee to be necessary to determine the policies, ordinance provision, substantive and procedural requirements and approval criteria that apply to the development proposal.

Land Use Application Deposit Agreement

All land use applicants shall be charged the ACTUAL COST to the City of Detroit of rendering a decision on their land use application or pre-application conference. Cost shall include but not be limited to: Contract planning services, City of Detroit staff time, city attorney time, cost of supplies, printing, legal notices, stamps, city engineer time spent on reviewing the application and contracted and city staff travel and meeting time if applicable.

The applicant will be required to pay a deposit in the amount set by Resolution. After completion of the review process or after a final decision is rendered by either staff or City Council, the city will send a final invoice to the applicant. Building permits will not be issued until the land use fees are paid in full to the city.

In the event that the fees are not paid within 15 days from the invoice date, a lien will be placed on the subject property. Liens accrue interest of 1% from the 30th day after being posted to the lien docket and each 30 days thereafter (Res. No 490).

In the event the actual cost does not exceed the deposit, the difference will be refunded to the applicant. In the event an applicant chooses to withdraw an application prior to a final decision being made, the actual costs the city has incurred will be deducted from the deposit.

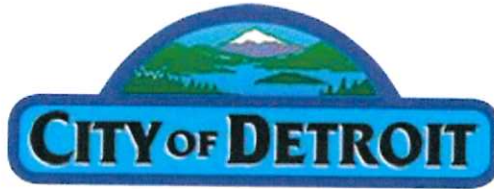
I certify I have read, understand, and agree to the charges outlined above.

Applicant Signature

Applicant Name Printed

Date

Post Office Box 589
Detroit, Oregon 97342
www.detroitoregon.us



P (503)854-3496
F (503)854-3232
detroit@wvi.com

SITE DESIGN REVIEW / CONDITIONAL USE PERMIT APPLICATION FORM

APPLICANT/OWNER		
Name:	Phone:	Date:
Mailing Address:	E-mail Address	
Owner Name:	Phone:	
Address	E-mail Address:	

APPLICATION FOR	
Address of Subject Property:	
Project Name:	
Assessor Map No:	Tax Lot No:
Subdivision Name:	Lot #:
SUBMITTAL REQUIREMENTS: See page 3-7	

USE THE BACK OF THIS FORM FOR ADDITIONAL INFORMATION

THE APPLICANT SHALL FURNISH ALL NECESSARY DRAWINGS, EVIDENCE AND STATEMENTS

Applicant Signature

Property Owner Signature

Applicant Name Printed

Property Owner Name Printed

Date

Date

Application Accepted by: _____

Date: _____

Deposit \$ _____ Date: _____ Check No. _____

Land Use Application Deposit Agreement

All land use applicants shall be charged the ACTUAL COST to the City of Detroit of rendering a decision on their land use application or pre-application conference. Cost shall include but not be limited to: Contract planning services, City of Detroit staff time, city attorney time, cost of supplies, printing, legal notices, stamps, city engineer time spent on reviewing the application and contracted and city staff travel and meeting time if applicable.

The applicant will be required to pay a deposit in the amount set by Resolution. After completion of the review process or after a final decision is rendered by either staff or City Council, the city will send a final invoice to the applicant. Building permits will not be issued until the land use fees are paid in full to the city.

In the event that the fees are not paid within 15 days from the invoice date, a lien will be placed on the subject property. Liens accrue interest of 1% from the 30th day after being posted to the lien docket and each 30 days thereafter (Res. No 490).

In the event the actual cost does not exceed the deposit, the difference will be refunded to the applicant. In the event an applicant chooses to withdraw an application prior to a final decision being made, the actual costs the city has incurred will be deducted from the deposit.

I certify I have read, understand, and agree to the charges outlined above.

Applicant Signature

Applicant Name Printed

Date

4.1.5 Type III Procedure (Quasi-Judicial)

- A. **Pre-Application conference.** A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 4.1.5.C. This requirement may be waived by the City Planner.
- B. **Application requirements.**
1. **Submittal Information.** Type III applications shall contain:
 - a. The information requested on the application form;
 - b. Recorded deed/land sales contract with legal description;
 - c. A narrative statement that explains how the application satisfies the relevant criteria and standards in sufficient detail for review and decision;
 - d. The required fee; and
 - e. An impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that show that the real property dedication requirement is not roughly proportional to the projected impacts of the development.
 - f. Any additional information requested by the City Recorder, or the City Recorder's designee, to determine compliance with an applicable criterion or standard.

Chapter 4.2 – Site Design Review

4.2.1 Site Design Review - Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

- A. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required by Section 4.1.5 (Type III application), as applicable.
- B. **Site Design Review Information.** An application for site design review shall include the following information, as deemed applicable by the City Recorder, or the City Recorder's designee:
1. Existing Conditions Plan. At a minimum the site map shall contain the following:
 - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
 - b. Topographic contour lines at intervals determined by the City;
 - c. Identification of slopes greater than 15 percent;
 - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
 - f. Resource areas, including riparian corridors, marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;

- g. Site features, including existing structures, pavement, areas having unique views, and drainage ways, and ditches;
 - h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
 - i. The location, size and species of trees and other vegetation having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade;
 - j. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed;
 - k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable;
 - l. Other information, as determined by the City Recorder, or the City Recorder's designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features.
2. Proposed site plan. The site plan shall contain the following information, if applicable:
- a. The proposed development site, including boundaries, dimensions, and gross area;
 - b. Features identified on the existing site analysis map which are proposed to remain on the site;
 - c. Features identified on the existing conditions plan if any, which are proposed to be removed or modified by the development;
 - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - f. A calculation of the total impervious surface before development and the total effective impervious surface after development;
 - g. The location and dimensions of all storm water or water quality treatment, infiltration and/or retention facilities.
 - h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
 - j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - k. Loading and service areas for waste disposal, loading and delivery;
 - l. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
 - m. Location, type, and height of outdoor lighting;
 - n. Location of mailboxes, if known;
 - o. Name and address of project designer, if applicable;
 - p. Locations, sizes, and types of signs.
 - q. Other information, determined by the City Recorder, or the City Recorder's designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.) in conformance with this Code.
3. Architectural drawings. Architectural drawings shall be submitted showing:
- a. Building elevations with building height and width dimensions;
 - b. Building materials, color and type;
 - c. The name of the architect or designer.
4. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading

plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Chapter 3.4..

5. Landscape plan. A landscape plan is required and shall show the following:
 - a. The location and height of existing and proposed fences and other buffering or screening material;
 - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - c. The location, size, and species (common & botanical names) of the existing and proposed plant materials (at time of planting);
 - d. Existing and proposed building and pavement outlines;
 - e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method or irrigation) and anticipated planting schedule.
6. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 3.5.2).
7. Copies of all existing and proposed restrictions and covenants.
8. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.6.

4.2.2 Approval Criteria

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- A. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.3, above.
- B. The application complies with all of the applicable provisions of the underlying Land Use Zone (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, and other special standards as may be required for certain land uses;
- C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use zone standards, in conformance with Chapter 4.11, Nonconforming Uses and Development;
- D. The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:
 1. Chapter 3.1 - Access and Circulation;
 2. Chapter 3.2 - Vehicle and Bicycle Parking;
 3. Chapter 3.3 - Landscaping, Street Trees, Fences, and Walls;
 4. Chapter 3.4 - Accessory Structures;
 5. Chapter 3.5 – Other Development Standards;
 6. Chapter 3.6 – Surface Water management;
 7. Chapter 3.7 – Sensitive Lands (e.g. Flood Hazards);
 8. Chapter 3.8 – Public Facilities Standards;
 9. Chapter 3.9 – Grading and Erosion Control.
- E. Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4) or other approval shall be met.
- F. Exceptions to criteria D.1-8, above, may be granted only when approved as a Variance.

Chapter 4.4 - Conditional Use Permits

4.4.1 Purpose.

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Chapter 2 - Land Use Zones. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

4.4.2 Approval Process.

- A. **Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.5). The application shall meet submission requirements in Section 4.4.3, and the approval criteria contained in Section 4.4.4.
- B. **Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.5 - Modifications.

4.4.3 Application Submission Requirements.

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (A-H), as applicable. For a description of each item, please refer to Section 4.2.3 - Site Design Review Application Submission Requirements.

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants.
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.4.

4.4.4 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

A. Criteria.

1. The proposed use is identified as a conditionally permitted use in the zone;
2. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
3. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions or approval; and
4. All required public facilities have adequate capacity to serve the proposal.
5. The proposed use, as conditioned, will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood, or adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.

- B. **Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size of lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s) sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7);

4.4.5 Additional Development Standards for Conditional Use Types

- A. **Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.
- B. **Additional Development Standards.** Development standards for specific uses are contained in Chapter 2 - Land Use Zones.

1. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
2. The proposed sign will not present a traffic or safety hazard.
3. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.
4. The proposed sign is incidental to the permitted or valid non-conforming use of the property.

P. **Variance - Signs** Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Section I or Section J will be processed according to the procedures in Chapter 5.1 of the Detroit Development Code. However, the criteria in Chapter 5.1 of the Detroit Development Code shall not be used; instead the following criteria shall be used to review and decide sign variance applications:

1. There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship.
2. The requested variance is consistent with the purpose of the chapter as stated in Section J.
3. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Code.
4. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items or public welfare.
5. The variance shall not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.
6. The variance shall not be the result of a self-imposed condition or hardship.

3.5.3 Recreational Vehicles

A. **Recreational Vehicles (RV) on Developed Single Family Zoned Land** - RV may be parked for human occupancy on the property under the following conditions:

1. One (1) RVs may be parked on the property.
 - a. RV must be the property of the owner or full-time lessee of the property or have permission of the owner or full-time lessee.
 - b. Renting or leasing an RV or RV space, separate of a full time lease of the property, is prohibited
 - i. RV must be parked at least fifteen (15) from the front, and (5) feet side, and rear property lines and ten (10) feet from a structure when unit is fully extended.

- ii. RV may be connected to the owner or lessee power with a Marion County Public Works Department, Building Inspection Program approved RV connection box ONLY. Connections using extension cords are NOT allowed.
 - iii. RV may be self-contained. Black and grey water holding tanks shall be emptied only at an authorized RV dump station, or pumped by an accredited septic service.
 - iv. RV shall not be connected to the septic/sewer without proof of a Septic Authorization Notice from Marion County Public Works Department. Discharge of “grey water” and/or toilet facilities directly onto the ground is prohibited.
2. One (1) additional RV may be permitted. An additional RV may be permitted for Season Use (From April 1st through October 31st and 30 days from November 1-March 31). An additional RV requires a permit issued by the City Recorder, following a Type II Administrative Procedure, provided:
- a. Permit application, including a site plan, is submitted.
 - b. Permit is subject to a fee established by Resolution of the Detroit City Council.
 - c. A maximum of one (1) additional RVs may be permitted.
 - d. All of the following criteria must be met:
 - i. The proposal must meet all requirements of the zone in which it is located, including: minimum lot size, setbacks, coverage, etc.;
 - ii. The distance between RVs or between the RV and any structure must be a minimum of ten (10) feet when fully extended; and
 - iii. The RV must not be placed over a septic drain field.
 - e. Conditions may be imposed to mitigate the impacts caused by an additional RV to adjacent properties.
 - f. Permit applies to property owner/lessee requesting the permit and is not transferable with the property.
3. A third RVs may be permitted on lots that are greater than 10,000 square. This is a seasonal approval (From April 1st through October 31st and 30 days from November 1-March 31) , following a Type III Conditional Use Application in 4.1.5, provided:
- a. Permit application, including a site plan, is submitted.
 - b. Permit is subject to a fee established by Resolution of the Detroit City Council for a Conditional Use Application.

- c. A maximum of one (1) additional RVs may be permitted.
- d. All of the following criteria must be met:
 - i. The proposal must meet all requirements of the zone in which it is located, including: minimum lot size, setbacks, coverage, etc.;
 - ii. The distance between RVs or between the RV and any structure must be a minimum of ten (10) feet when fully extended; and
 - iii. The RV must not be placed over a septic drain field.
- e. Conditions may be imposed to mitigate the impacts caused by additional RVs on neighboring properties.

B. Recreational Vehicle on Developed Multi-family (RM) Zoned Land – An RV may be parked for human occupancy on developed multi-family zoned unit of land under the following conditions:

1. If there is only one single-family dwelling on the multifamily zoned property, Section A (Numbers 1 through 3), Developed Single Family Zoned Land, regulations shall apply.
2. If there is more than one single-family residence on the property, property owner may allow one (1) RV per dwelling unit for the resident’s personal use. More than one (1) RV on the property requires City approval as outlined above in Section 3.5.3(B)(2)), and is subject to the following conditions:
 - a. RV must be parked at least fifteen (15) feet from the front yard and five (5) feet from the side, and rear property lines. Each RV must be located a minimum of 10 feet from any other structure when unit is fully extended.
 - b. RV may be connected to the owner or lessee power with a Marion County Public Works Department, Building Inspection Program approved RV connection box ONLY. Connections using extension cords are NOT allowed,
 - c. RV may be self-contained; Black and grey water holding tanks shall be emptied only at an authorized RV dump station, or pumped by an accredited septic service.
 - d. In addition to the parking requirements outlined in Section 3.3, adequate on-site parking (one (1) parking space per RV) shall be provided for additional vehicles, allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within an approved driveway.

D. Recreational Vehicle on Developed Commercial General (CG) zoned land that contains one single family dwelling shall conform to the conditions in Section A (1 through 3), Developed Residential Single Family Zoned Land.

- E. **Recreational Vehicle on Developed Commercial General (CG) zoned land** that contains multi-family dwellings shall conform to the conditions in Section B, Developed Multi-family Zoned Land.
- F. **Recreational Vehicle on Developed Commercial General (CG) Zoned Land** that contains an active business within a building structure is allowed if RV is parked for human occupancy on the property upon meeting all of the following conditions.
1. One (1) RV may be parked for human occupancy on the property.
 - a. RV must be the property of the owner or full-time lessee of the property.
 - b. RV must be parked at least five (5) feet from the front, side, and rear property lines and ten (10) feet from a structure when unit is fully extended.
 - c. RV may be connected to the owner or lessee power with a Marion County Public Works Department, Building Inspection Program approved RV connection box ONLY. Connections using extension cords are NOT allowed.
 - d. RV may be self-contained. Black and grey water holding tanks shall be emptied only at an authorized RV dump station, or pumped by an accredited septic service.
 - e. In addition to the parking requirements outlined in Section 3.3, adequate on-site parking (one (1) parking space per RV) shall be provided for additional vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within a driveway.

G. Recreational Vehicles on Undeveloped Residential (RS) & Multi-family (RM) Zoned Land – One (1) RV may be parked for human occupancy on undeveloped Single Family or Multi-family zoned unit of land upon meeting all of the following conditions:

1. The property shall have City-approved access driveway. In addition to the parking requirements outlined in Section 3.3, adequate on-site parking (one (1) parking space per RV) shall be provided for additional vehicles allowing for setback from side and rear property lines and between vehicles a minimum of three (3) feet in width. No parking is permitted within a front yard setback unless located within a driveway.
2. The property shall have a City-approved and installed water meter and a water line, going from the meter to a hose bib on the property. During use of the property, the water must be turned on and a hose must be available for fire dousing in the fire pits and for fire protection.
3. The RV may be hooked up to electrical power with a Marion County Public Works Department, Building Inspection Program approved RV connection box ONLY. Connections using extension cords are NOT allowed.

4. The RV shall either be self-contained or toilet facilities shall be provided. Property owner must obtain approval for a porta-potty from the City, or provide proof of an acceptable sanitation system approved by the City. For self-contained units, black and grey water holding tanks shall be emptied only at an authorized RV dump station, or pumped by an accredited septic service.
5. If residency in RV exceeds two (2) weeks, the owner of the RV/property must subscribe with the municipality's contract sanitary disposal company for garbage collection.
6. Rental or lease of land or space for one (1) RV is allowed based upon the established time period indicated in Section 3.5.3(F)(6 and 7).
7. In addition to the parking requirements outlined in Section 3.3, adequate on-site parking (one parking space per RV) shall be provided for additional vehicles. The RV shall be parked at least fifteen (15) feet from the front, and five (5) side, and rear property lines and at least ten (10) feet from a structure when unit is fully extended
8. One (1) additional RV may be permitted. An additional RV may be permitted for Season Use (From April 1st through October 31st and 30 days from November 1-March 31). An additional RV requires a permit issued by the City Recorder, following a Type II Administrative Procedure, provided:
 - a. Permit application, including a site plan, is submitted.
 - b. Permit is subject to a fee established by Resolution of the Detroit City Council.
 - c. A maximum of one (1) additional RVs may be permitted.
 - d. All of the following criteria must be met:
 - i. The proposal must meet all requirements of the zone in which it is located, including: minimum lot size, setbacks, coverage, etc.;
 - ii. The distance between RVs or between the RV and any structure must be a minimum of ten (10) feet when fully extended; and
 - iii. The RV must not be placed over a septic drain field.
 - e. Conditions may be imposed to mitigate the impacts caused by additional RVs on neighboring properties.
 - f. Permit applies to property owner/lessee requesting the permit and is not transferable with the property.
9. A third RVs may be permitted on lots that are greater than 10,000 square. This is a seasonal permit, following a Type III Conditional Use Application, DDC 4.1.5, provided:

- a. Permit application, including a site plan, is submitted.
 - b. Permit is subject to a fee established by Resolution of the Detroit City Council.
 - c. A maximum of one (1) additional RVs may be permitted.
 - d. All of the following criteria must be met:
 - i. The proposal must meet all requirements of the zone in which it is located, including: minimum lot size, setbacks, coverage, etc.;
 - ii. The distance between RVs or between the RV and any structure must be a minimum of ten (10) feet when fully extended; and
 - iii. The RV must not be placed over a septic drain field.
 - e. Conditions may be imposed to mitigate the impacts caused by additional RVs on neighboring properties.
10. Permit applies to property owner/lessee requesting the permit and is not transferable with the property.

H. Recreational Vehicles on Undeveloped Commercial Zoned Land.

- 1. An RV on undeveloped commercially zoned land for human occupancy is prohibited.

I. Recreational Vehicles (RV) Storage.

- 1. Storage of Recreational Vehicles (RVs) on Developed Single Family, Multi-Family or Commercial General zoned land that contains a single-family dwelling is permitted based upon the RVs being parked a minimum of fifteen (15) from the front and five (5) feet from th, side, and rear property lines and ten (10) from a structure.
- 2. RV/boat/trailer storage on Undeveloped Single Family and Multi-Family zoned land is prohibited unless the RV/boat/trailer is the personal property of the property owner, up to a maximum of one (1) RV and one (1) boat..
- 3. RV storage may be allowed on Developed Commercial zoned land with an existing commercial use as an accessory use if:
 - a. City Council approves the RV storage,
 - b. The property owner of the storage area has a business license from the City to operate the existing (principal use) business,
 - c. The storage is accessory to the primary use on the property and the storage is only for RVs, boats, and boat/watercraft trailers, and

- d. The property is not located in the Detroit Avenue Business Corridor (properties abutting Detroit Avenue and zoned Commercial General (CG)).
4. RV/boat/trailer storage on Undeveloped Commercially zoned land is prohibited unless:
 - a. Property owner completes and receives approval of a land-use application based upon the required application type, procedure, and process applicable to RV/boat storage pursuant to Detroit Development Code, Chapter 2.3—Commercial General Zone Requirements, and
 - b. Property owner applies for and is granted a business license from the City to operate a designated RV storage facility on the property.
 1. RV/boat/trailer storage or overnight use of RV on City streets and City right-of-ways is prohibited.
 2. Owners of Vacation Rental properties are responsible for compliance by their renters/tenants of these regulations. (Vacation rentals are as defined within the Transient Tax Ordinance and may include the following as examples: tourist home or house, bed & breakfast, lodging house, rooming house, and apartment house, public or private dormitory, and space in mobile home or trailer parks.)
 3. Any RV parking condition not specifically addressed requires a permit issued by the City Recorder, following a Type II Administrative Procedure, provided:
 - a. Permit application, including a site plan, is submitted.
 - b. Permit is subject to a fee established by Resolution of the Detroit City Council.
 - c. A maximum of one (1) additional RVs may be permitted.
 - d. All of the following criteria must be met:
 - i. The proposal must meet all requirements of the zone in which it is located, including: minimum lot size, setbacks, coverage, etc.;
 - ii. The distance between RVs and any structures must be a minimum of ten (10) feet when fully extended; and
 - iii. The RV must not be placed over a septic drain field.
 - e. Conditions may be imposed to mitigate the impacts caused by additional RVs on neighboring properties.
 - f. Permit applies to property owner/lessee requesting the permit and it is not transferable with the property.

I. Other

Chapter 4.4 - Conditional Use Permits

Sections:

4.4.1 Purpose

4.4.2 Approval Process

4.4.3 Application Submission Requirements

4.4.4 Criteria, Standards and Conditions of Approval

4.4.5 Additional Development Standards for Conditional Use Types

4.4.6 Expiration of Approval – Standards for Extension of Time

4.4.7 Discontinuance of a Conditional Use

4.4.8 Transfer of Conditional Use

4.4.1 Purpose.

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Chapter 2 - Land Use Zones. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

4.4.2 Approval Process.

- A. **Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.5). The application shall meet submission requirements in Section 4.4.3, and the approval criteria contained in Section 4.4.4.
- B. **Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.5 - Modifications.

4.4.3 Application Submission Requirements.

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (A-H), as applicable. For a description of each item, please refer to Section 4.2.3 - Site Design Review Application Submission Requirements.

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants.
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.4.

4.4.4 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

A. Criteria.

1. The proposed use is identified as a conditionally permitted use in the zone;
2. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
3. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions or approval; and
4. All required public facilities have adequate capacity to serve the proposal.
5. The proposed use, as conditioned, will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood, or adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size of lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s) sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7);

4.4.5 Additional Development Standards for Conditional Use Types

- A. **Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.
- B. **Additional Development Standards.** Development standards for specific uses are contained in Chapter 2 - Land Use Zones.

4.4.6 Expiration of Approval--Standards for Extension of Time

- A. Conditional use permit approval shall be effective for a period of one (1) year from the date of approval. If the conditional use has not begun within the one-year period, the approval shall expire.
- B. Conditional use permit approval shall be voided immediately if the use established on site does not substantially conform to the approval granted by the Planning Commission.
- C. The City Recorder, or the City Recorder's designee, shall, upon request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months. Requests for extension of approval shall be submitted in writing 30 days before the expiration date of the approval period.

4.4.7 Discontinuance of a Conditional Use

Discontinuance of a conditional use for a period of six (6) consecutive months shall render the conditional use permit approval null and void.

4.4.8 Transfer of Conditional Use

Unless otherwise provided in the final decision granting the conditional use, an approved conditional use shall run with the land, and shall automatically transfer to any new owner or occupant.

- c. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals.

G. **Appeal to Planning Commission.** The decision of the Planning Commission is the final decision of the City. Any person, firm, corporation or political subdivision of the State of Oregon, to the State Land Use Board of Appeals within 21 days from the date of mailing of the final Planning Commission decision, may file appeal of the Planning Commission decision.

4.1.5 Type III Procedure (Quasi-Judicial)

A. **Pre-Application conference.** A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 4.1.5.C. This requirement may be waived by the City Planner.

B. Application requirements.

- 1. Submittal Information. Type III applications shall contain:
 - a. The information requested on the application form;
 - b. Recorded deed/land sales contract with legal description;
 - c. A narrative statement that explains how the application satisfies the relevant criteria and standards in sufficient detail for review and decision;
 - d. The required fee; and
 - e. An impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that show that the real property dedication requirement is not roughly proportional to the projected impacts of the development.
 - f. Any additional information requested by the City Recorder, or the City Recorder's designee, to determine compliance with an applicable criterion or standard.

C. Notice of Hearing.

- 1. Mailed notice. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City in the following manner:
 - a. At least 20 days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - ii. All property owners of record within 250 feet of the site;
 - iii. Any governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice, or who is otherwise entitled to such notice;
 - iv. Any person who submits a written request to receive notice; and
 - v. For appeals, the appellant and all persons who provided testimony.

- b. The City Recorder, or the City Recorder’s designee, shall have an affidavit of notice prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;
 - c. At least ten (10) business days before the hearing, the applicant shall post notice of the hearing on the property per Subsection 2 below. The applicant shall prepare and submit an affidavit of posting of the notice that shall be made part of the administrative record.
2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, posted and published per Subsection 1 above shall contain the following information:
- a. The nature of the application and the proposed land use or uses which could be authorized for the property;
 - b. The applicable criteria and standards from the development code that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date, time, and location of the public hearing;
 - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
 - f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and that copies shall be provided at a reasonable cost;
 - h. A statement that a copy of the City’s staff report and recommendation to the City Council shall be available at no cost at least seven (7) days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings;
 - j. The following notice: “Notice to mortgagee, lienholder, vendor, or seller: The Detroit Development Code requires that if you receive this notice, it shall be promptly forwarded to the purchaser.”

D. Conduct of the Public Hearing.

- 1. At the commencement of the hearing, the hearings body shall state to those in attendance that:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
 - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue means that no appeal may be made to the State Land Use Board of Appeals on that issue;

- d. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
2. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least (seven) 7 days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least (seven) 7 days, so that they can submit additional written evidence or testimony in response to the new written evidence.
 3. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least (seven) 7 days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the City Council shall reopen the record per subsection E of this section;
 - a. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section D is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence.
 4. The record.
 - a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;
 - b. The hearings body may take official notice of judicially recognizable facts under the applicable law. If the hearings body takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;
 - c. The hearings body shall retain custody of the record until the City issues a final decision.
 5. Participants in the appeal of a Type II Administrative decision or a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see Section 6 below) as reasonably possible. The public has a countervailing right of free access to public officials. Therefore:
 - a. At the beginning of the public hearing, the hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 6 below) concerning the application or appeal. The Council member shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;

- b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
 - c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
 - d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
 - e. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
6. Ex parte communication.
- a. Members of the hearings body shall not:
 - i. Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Section 5 above;
 - ii. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
 - b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
 - i. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - ii. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
 - c. A communication between City staff and the hearings body is not considered ex parte contact.
7. Presenting and receiving evidence.
- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
 - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section D;
 - c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information

relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearing body may visit the property to familiarize their self with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, they shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

E. The Decision Process.

1. **Basis for decision.** Approval or denial of an appeal of a Type II Administrative decision or a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary land use or development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. **Findings and conclusions.** Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. **Form of decision.** The hearings body shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The hearings body may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. **Decision-making time limits.** A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Recorder, or the City Recorder's designee, within ten (10) business days after the close of the deliberation.

F. **Notice of Decision.** Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within five (5) business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

G. **Final Decision and Effective Date.** The decision on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires.

H. **Appeal.** A Type III decision may be appealed to the City Council as follows:

1. **Who may appeal.** The following people have legal standing to appeal a Type III Decision:
 - a. The applicant;
 - b. Any person who was mailed written notice of the Type II administrative decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
2. **Appeal procedure.**
 - a. **Notice of appeal.** Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Decision by filing a Notice of Appeal according to the following procedures:
 - i. **Time for filing.** A Notice of Appeal shall be filed with the City Recorder, or the City Recorder's designee, within 14 days of the date the Notice of Decision was mailed;
 - ii. **Content of notice of appeal.** The Notice of Appeal shall contain:

1. An identification of the decision being appealed, including the date of the decision;
 2. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 3. A statement explaining the specific issues raised on appeal;
 4. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 5. Filing fee.
- iii. The City shall establish the amount of the filing fee. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing or the statutory maximum, whichever is less.
- b. Scope of appeal. The appeal of a Type III Decision by a person with standing shall be limited to the specific issues raised during the written comment period, unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The City Recorder, or the City Recorder's designee, may allow such additional evidence if they determine that such evidence is necessary to resolve the case.
- c. Appeal procedures. Type III notice and hearing procedures shall be used for all Type III Appeals.

4.1.6 Type IV Procedure (Legislative)

- A. **Pre-Application conference**. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Section 4.1.7.C.
- B. **Timing of requests**. The City Recorder, or the City Recorder's designee, shall review proposed Type IV actions no more than twice yearly, based on the City's approved schedule for such actions.
- C. **Application requirements**.
1. Application forms. Type IV applications shall be made on forms provided by the City;
 2. Submittal Information. The Type IV application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; and
 - d. A narrative statement that explains how the application satisfies the relevant approval criteria and standards in sufficient detail for review and decision.
- D. **Notice of Hearing**.
1. Required hearings. A minimum of two (2) hearings is required for all Type IV applications, except annexations where only one (1) hearing by the City Council is required.
 2. Notification requirements. Notice of public hearings for the request shall be given by the City Recorder, or the City Recorder's designee, in the following manner:
 - a. At least 20 days, but no more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to