

CITY OF ARLINGTON

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ARLINGTON, OR 97812
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NOTICE TO APPLICANT

*Reimbursement
for
Administrative Fees*

Dear Applicant:

The City of Arlington, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process your land use application, the City must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, actual attendance at the Planning Commission and/or City Council meeting. The City utilizes a consultant to ensure your application is processed fairly and promptly. Because of the reduced budgets, the City finds it necessary to transfer those administrative costs to you, the applicant, as a part of the land use planning process. Therefore, you are asked to read and sign the statement below indicating you understand the requirement.

Administrative Cost Reimbursement

I/We, the applicants, _____ agree to reimburse the City of Arlington for the administrative costs, including publication costs and consultant fees incurred by the City to process our land use application.

(Property Owner or Agent)

(Date)

Article 8 Administrative Provisions

SECTION 8.1 - ADMINISTRATION. The City Recorder is appointed by the City Council and shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by the City Recorder regarding a requirement of the ordinance may be made only to the Planning Commission as outlined in Section 8.7.

SECTION 8.2 - BUILDING PERMIT REQUIRED. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Recorder. The applicant shall pay a fee as established by City ordinance at the time the application is filed.

SECTION 8.3 - FORM OF PETITIONS, APPLICATIONS AND APPEALS. All petitions, applications, and appeals provided for in this ordinance shall be made on the forms provided by City Recorder.

SECTION 8.4 - FILING FEES.

- (1) The following fees shall be paid to the City Recorder upon filing for an application. Such fees shall not be refundable. No application filed shall be acted upon until the required fee is paid.
- | | |
|---------------------|----------|
| (A) Variance | \$ 75.00 |
| (B) Zone Change | \$250.00 |
| (C) Conditional Use | \$150.00 |
| (D) Appeals | \$150.00 |
- (2) The City of Arlington, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process a land use application, the City must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, actual attendance at the Planning Commission and/or City Council meeting. The City utilizes a consultant to ensure land use

- (H) State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, ORS 197.763(3)(h).
- (I) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost, ORS 197.763(3)(I).
- (J) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(j).
- (K) If a proposed zone boundary amendment has been initiated by the City and is declared by the City to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the Council shall be observed.

SECTION 8.6 - AUTHORIZATION OF SIMILAR USES. The Planning Commission may permit, by following the procedures outlined in Article 5, Section 5.1, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

SECTION 8.7 - APPEAL FROM DECISION OF THE CITY STAFF

- (1) An appeal from a decision of the City Staff may be filed with the City Recorder.
- (2) An appeal from a decision of the City Staff may only be initiated by filing a Notice of Intent to Appeal.
- (3) The decision of the City Staff shall be final, unless a written Notice of Intent to Appeal is filed with the City Recorder within 15 days of the date of the decision.
- (4) The Notice of Intent to Appeal shall contain a copy of the application for the permit and a copy of the City Staff's decision.
- (5) The Notice of Intent to Appeal shall state the specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the City Staff is not in conformance with the applicable criteria and standards set forth in The City Zoning Ordinance.

- (5) The City Council's consideration of the Planning Commission's decision may be confined to the record of the proceeding before the Planning Commission, or, the Council may hear the material de novo. The record shall include:
- (A) All materials, memorandum, stipulations, exhibits and motions submitted during the proceeding and received or considered by the Planning Commission;
 - (B) All materials submitted by the City staff with respect to the application;
 - (C) The minutes of the hearing before the Planning Commission;
 - (D) The written decision of the Planning Commission;
 - (E) The Notice of Intent to Appeal;
 - (F) Oral and written argument; if any, by the hearing participants, their legal representatives or City staff, made at the time of the hearing before the City Council.
- (6) The City Council may affirm, reverse or modify the action of the Planning Commission in full or in part. The City Council may also remand the matter back to the Planning Commission for further consideration.
- (7) The City Council shall adopt a written decision that clearly states the basis for its decision within thirty (30) days of the close of the hearing. When an application is approved, the term of approval shall be specified, including any restrictions and conditions. A proposed decision submitted by the City Staff or any other person may be adopted by the City Council as submitted, or as amended by the City Council.