

LAND MANAGEMENT DIVISION



APPEAL OF A HEARINGS OFFICIAL DECISION

PUBLIC WORKS DEPARTMENT 125 E 8th AVENUE, EUGENE OR 97401

Planning: 682-3807 Building: 682-3823 Sanitation: 682-3754

For Office Use Only. FILE # CODE: BCAPEAL FEE: \$3,762

Appellant: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Appellant's Representative : \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Required submittals. Your appeal application will be rejected if it does not contain all the required information.

1. A copy of the decision being appealed, with the department file number. File # \_\_\_\_\_

2. The \$3,762 appeal fee, payable to Lane County. (See the reverse side for important fee information)

3. Indicate the deadline to submit the appeal. (Found in the Hearing Official's Decision) \_\_\_\_\_

4. Check one of the items below to identify your party status with the right to appeal the Hearings Official's decision:

\_\_\_ I am the owner or contract purchaser of the subject property;

\_\_\_ I am the applicant for the subject application;

\_\_\_ Prior to the decision by the Hearings Official, I submitted written testimony into the record

\_\_\_ I am not one of the persons mentioned above, but wish to appeal the Hearings Official's decision for the reasons explained in my letter.

5. A letter that addresses each of the following three standards:

a. The reason(s) why the decision of the Hearings Official was made in error or why the Hearings Official should reconsider the decision;

b. An identification of one or more of the following general reasons for the appeal, or request for reconsideration:

- The Hearings Official exceeded his or her authority;
• The Hearings Official failed to follow the procedure applicable to the matter;
• The Hearings Official rendered a decision that is unconstitutional;
• The Hearings Official misinterpreted the Lane Code, Lane Manual, State Law, or other applicable criteria.

c. The Hearings Official should reconsider the decision to allow the submittal for additional evidence not in the record that addresses compliance with the applicable standards or criteria.

6. Any additional information in support of your appeal.

## EXPLANATION OF THE APPEAL PROCESS

There are 3 steps involved in an appeal of a Hearings Official decision. Each requires a fee for services.

### Step 1

When the appeal is submitted, the Hearings Official has the option to reconsider the decision (Refer to LC 14.535). If the Hearings Official reconsiders the decision, the fee is \$1,202.

### Step 2

If the Hearings Official elects not to reconsider the decision, the appeal is forwarded to the Board of County Commissioners. The fee is \$1,534.80. The Board then decides whether or not to hear the appeal (Refer to LC 14.600)

### Step 3

If the Commissioners elect to hear the appeal, the fee for the Board hearing is \$2,227.20. If the Board does not elect to hear the appeal, the parties of record may appeal the decision to the Land Use Board of Appeals (LUBA). If the Commissioners do not hear the appeal, \$150 of the \$1,534.80 fee (Step 2 above) will be refunded, in addition to the \$2,227.20, for a total refund of \$2,377.20.

## EXPLANATION OF THE APPEAL FEE

The total due when submitting the appeal is \$3,762. You will get a refund if the Hearings Official reconsiders the decision, or the County Commissioners elect not to hear the appeal.

If the Hearings Official reconsiders the decision, the refund is \$2,560.

If the County Commissioners elect not to hear the appeal, the refund is \$2,377.20.

If the Board elects to hear the appeal, there is no refund.