



# APPEAL OF A LAND USE DECISION

*SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 SECOND STREET OR  
MAIL TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423.  
EMAIL [PLANNING@CO.COOS.OR.US](mailto:PLANNING@CO.COOS.OR.US) PHONE: 541-396-7770*

Planning Director Appeal Fee \$250.00 / Hearings Body or Officer Appeal Fee \$2688.00

Date Received: \_\_\_\_\_ Fee Received \_\_\_\_\_ FILE # AP- \_\_\_\_\_

***If the correct fee is not with the appeal it will not be processed. Application shall be filled out electronically.***

List the names and signatures of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative. This can be attached to this form marked as Attachment "A".

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

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

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

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

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

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

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

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

The name of the applicant: \_\_\_\_\_

County application file number being appealed: \_\_\_\_\_

Planning Director's Decision (Fee \$250)     Hearings Body or Hearings Officer Decision (Fee \$2560)

The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The appeal deadline, as stated in the Director's Decision: \_\_\_\_\_

The nature of the decision and the specific grounds for appeal, citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule. (This can be attached to this form marked as Attachment "B".)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application. (This can be attached to this form marked as Attachment "C".)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **ARTICLE 5.8 APPEAL REQUIREMENTS**

### **SECTION 5.8.100 APPEALS GENERAL**

Coos County has established an appeal period of fifteen (15) days from the date written notice of administrative or Planning Commission decision is mailed with the exception of Property Line Adjustments and lawfully created parcel determinations, which are subject to a twelve (12) day appeal period. The Board of Commissioners or Hearings Body shall dismiss an appeal for failure to follow the requirements of this article.

**SECTION 5.8.150 STANDING TO APPEAL A PLANNING DIRECTOR'S DECISION:** A decision by the Planning Director to approve or deny an application shall be appealed as identified in the Sections below. The appeal must be filed within the appeal period and meet one of the following criteria:  
1. In the case of a decision by the Planning Director, the appellant was entitled to notice of the decision;  
or 2. The person is aggrieved or has interests adversely affected by the decision.

**SECTION 5.8.160 STANDING TO APPEAL A HEARINGS BODY, APPOINTED HEARINGS OFFICER(S) OR BOARD OF COMMISSIONER DECISION:** A decision by the Hearings Body, Appointed Hearings Officer(s) or Board of Commissioners to approve or deny an application shall be appealed as identified in the Sections below. The appeal must be filed within the appeal period. In the case of an appeal of a Hearings Body decision to the Board of Commissioners, the appellant must have appeared before the Hearings Body or appointed Hearings Officer(s) orally or in writing. [OR 04 12 013PL 2/09/05]

**SECTION 5.8.170 APPEAL PROCEDURES:** An appellant shall file the appeal for review on the appropriate county form and the form shall be completely filled out as required by this section. If an appellant fails to correctly fill out the form, and there has already been a public hearing on the matter, the Board of Commissioners may deny the appeal based on failure to comply with this section. In the event the appeal is denied based on a failure to comply with this section, a refund of unexpended fees shall be returned to the appellant.

The appeal form shall contain the following:

1. The name of the applicant and the County application file number (this form can only be used to appeal one application);
2. The name and signature of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative;
3. The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160;
4. The date that the notice of the decision was mailed as written in the notice of decision;
5. The nature of the decision and the specific grounds for appeal citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule.
6. The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application.
7. Appeals of Planning Director's decision will be de novo;
8. Appeals of Planning Commission's or appointed Hearings Officer(s) decision shall be reviewed by the Board of Commissioners or Hearings Officer if the Board of Commissioners so chooses. The Board of Commissioners shall, provided there has been an initial evidentiary hearing:
  - a. Decline to hear the matter and enter an order affirming the lower decision; or

- b. Accept the appeal and: i. Make a decision on the record without argument; ii. Make a decision on the record with argument; iii. Conduct a hearing de novo; or iv. Conduct a hearing limited to specific issues.
- c. In the decision, the Board shall affirm, modify, or reverse the lower decision, and accept any or all of the findings and conditions in the Hearings Body decision, or modify or adopt new findings and conditions on a permit.
- d. If the Board allows argument only on the record, no new evidence shall be submitted.
- e. Any legal issues not specifically raised are considered waived for purposes of appeal to the Land Use Board of Appeals (LUBA).
- f. Where a hearing is limited to specific issues, any evidence or argument submitted must be relevant to the specific issue.
- g. All items to be submitted to the County must actually be received by the County Planning Department no later than 5:00 p.m. on the on the last day of the appeal period. If the last day of the appeal period falls on a weekend or County holiday, then the item must actually be received by the County Planning Department no later than 12:00 p.m. on the next County business day following the deadline date. All items to be mailed to another party must be postmarked no later than the end of the appeal period.
- h. The decision of the Board of Commissioners shall not be final for the purpose of appeal until reduced to writing and signed by the Board.

#### **SECTION 5.8.400 Multiple Appeals**

Multiple appeals of the same land use decision shall be consolidated into one hearing, at the discretion of the Planning Director, Planning Commission or Board of Commissioners, provided the appeals involve the same or substantially similar issues and/or a common question of law or fact. The consolidation process must not work to deprive any appellant of his or her right to a full and fair hearing on the merits of their case. Such consolidation of the appeals into one hearing will avoid unnecessary costs or delay and will assist in the proper resolution of the matter in question. If consolidation is granted by then a reduction of fee may be due to the parties when the final decision is rendered.