



Historic Property Request for Change Application

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For City of Dayton Use:

Date Application Received:	Received By:	<i>File Number:</i>
Public Hearing Date:	Fee Amount:	Deposit Amount:
Application Completed Date:	Application Approval Date:	

TYPE OF ACTION REQUESTED:

- Demolition
 Repairs/Restorations
 Other _____
 Addition of Designation
 Removal of Designation
 New Construction
 Alteration
 Relocation

Site Address: _____

Name of Applicant: _____

Mailing Address: _____ City: _____ ST: _____ Zip: _____

Telephone Number: _____ Cell Number: _____

Email Address: _____

Applicant Signature: _____ Date: _____

Property Owner (If different from Applicant): _____

Address: _____ City: _____ ST: _____ Zip: _____

Consultants (please list all that apply)

- Planning
 Engineering
 Surveyor
 Other

Name: _____ Physical Address: _____

Firm: _____ City: _____ ST _____ Zip _____

Mailing Address: _____ Telephone #: _____

City: _____ ST: _____ Zip: _____ Cell Phone #: _____

Email Address: _____

- Planning
 Engineering
 Surveyor
 Other

Name: _____ Physical Address: _____

Firm: _____ City: _____ ST _____ Zip _____

Mailing Address: _____ Telephone #: _____

City: _____ ST: _____ Zip: _____ Cell Phone #: _____

Email Address: _____

For Office Use

Fee:	Deposit:	Amount Paid:	Date Paid:	Receipt #
Approved by:	<input type="checkbox"/> City Manager <input type="checkbox"/> City Council	<input type="checkbox"/> City Planner <input type="checkbox"/> Historic Preservation Committee	<input type="checkbox"/> Public Works Director <input type="checkbox"/> Fire Marshall	<input type="checkbox"/> City Engineer
Applicant Notification Date:	Comments:			
Additional Services Amount Billed:	Paid:	<input type="checkbox"/> Planner <input type="checkbox"/> Engineer <input type="checkbox"/> Staff Time <input type="checkbox"/> Other		

Who will verify that the alteration or new construction (if approved) has been completed according to the City's requirements?

Name: _____ Title: _____ Relationship to Project: _____

Name: _____ Title: _____ Relationship to Project: _____

Name: _____ Title: _____ Relationship to Project: _____

Provide a written description/explanation of the proposed exterior alteration or new construction: _____

Provide a Site Plan indicating the location or proposed location of structures on the subject property: _____

Provide photographs, other pictorial/schematics, sample materials/colors (if available) to represent the proposed changes or additions for a new or to a remodeled structure: _____

Provide a written explanation of the intended alteration in comparison with the City's 1993 Advisory Guidelines and the US Secretary of Interior Guidelines. (Review US guidelines on-line at: www.nps.gov/history/hps/tps/standguide/index.htm)

Provide any other information necessary to address the approval criteria: _____

7.2.112.07 - Exterior Alteration and New Construction

- A. Scope. No person shall alter a landmark or any significant resource in an historic district nor shall any new building or structure be constructed in an historic district or on a landmark site unless approval is first obtained under this section. In addition, no major improvements shall be made on a landmark site or in an historic district unless approved by the Planning Commission.
- B. Application Process. Application for alteration of a landmark or new construction in an historic district or on a landmark site shall be filed on a form provided by the City. The following shall be required in an application:
1. The applicant's name and address;
 2. The owner's name and address, if different from the applicant;
 3. Name of the person(s), title, or relationship to the project who will verify that the alteration or new construction (if approved) has been completed according to the City's requirements;
 4. A written description/explanation of the proposed exterior alteration or new construction;
 5. A site plan indicating the location or proposed location of structures on the subject property;
 6. Photographs, other pictorial/schematics, sample materials/colors (if available) to represent the proposed changes or additions for a new or to a remodeled structure;
 7. Written explanation of the intended alteration in comparison with the City's 1993 Advisory Guidelines and the US Secretary of Interior Guidelines. (An on-line copy of the latter document is available for review at the following site: www.nps.gov/history/hps/tps/standguide/index.htm);
 8. Any other information deemed necessary by the City Manager to address approval criteria.
- C. Historic Preservation Committee (HPC). After the application is deemed complete the City Manager request a review by the Historic Preservation Committee. The review is conducted at their regularly scheduled meetings or by arranging a special meeting. The HPC may provide to the City a written response in regards to their review of the application using the approval criteria as a guideline for their recommendation(s). The Committee serves in an advisory capacity.
- D. Approval Requirements. The City Manager may approve the alteration request if determined a minor alteration based upon:
1. No change in the appearance or material of the resource as it exists and/or includes building maintenance; or
 2. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials with the provision that the City Manager may refer the interpretation to the Planning Commission; or
 3. The alteration work is on a side or sides of a building not visible from public rights-of-ways.
- E. Planning Commission Action. If a request for alteration does not meet the provisions of subsection (D) of this section, the City Manager shall forward the application and the comments from the Historic Preservation Committee to the Planning Commission. The Commission, after notice and public hearing held in accordance with provision in Section 7.3.2 (Procedures) of this Code, shall approve or disapprove issuance of the requested permit. The Commission may attach conditions to the approval which must be adhered to for the approval to remain valid.
- F. Decision Criteria. The Commission shall consider the following standards, comments, and criteria in determining whether to approve an alteration request:
1. Use of the property is historically similar or new use requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 2. Historic character of a property is retained and preserved. The relocation of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property shall be avoided.
 3. Use of property recognizes physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
 4. Changes acquiring historic significance in their own right are retained and preserved.
 5. Alterations preserve distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property.
 6. Historic features are repaired versus replaced. Where the severity of determined requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
 7. Use of chemical and physical treatments, if appropriate, are undertaken by the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 8. Alterations, including new additions, exterior alterations, or related new construction, do not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, and proportions, and massing to protect the integrity of the property and environment.
 9. New additions and adjacent or related new construction is undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment are unimpaired.
 10. The Planning Commission considers design guidelines recommended by the Planning Commission or Historic Preservation Committee, such as applicable sections of the City's 1993 Advisory Guidelines or the U.S. Secretary of Interior's Standards: (www.nps.gov/history/hps/tps/standguide/index.htm).
 11. The Planning Commission considers comments submitted by the Historic Preservation Committee.
- G. Repair and Maintenance Provisions. No provision of this Code shall be construed to prevent the ordinary maintenance or repair of a Designated Landmark such as any exterior architectural feature which does not involve a change in design, material or appearance of such feature. The City Manager determines if the proposed activity is required for the public safety due to an unsafe or dangerous condition.
- H. Building Code Leniency. Property owners may request that the City Building Official or his/her designee grant leniency for non-conforming alterations, repairs, additions, and changes of occupancy for existing designated landmark structures in accordance with Section 3403.5 (or its most current replacement/update) of the Uniform Building Code/Oregon Structural Specialty Code. The City Manager and/or his/her designee shall have the final authority to grant such variances. In accordance with the statute, the Building Official or his/her designee may seek guidance from the Oregon State Historic Preservation Office in the application of this provision.



Historic Property - Request for Change

General Information

The process for designating a landmark or historic district may be initiated by the City Council, the Planning Commission, or by any interested person who submits an application for designation to the City Manager. Historic property landmarks or significant resources in a historic district cannot be moved, demolished, altered or new construction started before a permit has been obtained first. In addition, no major public improvements can be made on a landmark site or in a historic district unless approved by the Planning Commission.

Submittal Requirements

- One (1) copy of the Historic Property – Request for Change application form with signatures of all property owners. Original signatures for all property owners must be provided. This information must be reproduced so please print clearly using black or blue ink.
- Written notification from SHPO regarding the applicants Historic Property Request for Change. (If applicable)
- Proof of legal and recorded ownership of the subject property. (subject to issuance of permit)
- One (1) copy of the written (legal) description of the boundaries of the proposed district or location of the proposed landmark.
- One (1) copy of the deed for each tax lot involved.
- One (1) copy of the title report for each tax lot involved
- Two (2) copies of a Map illustrating the boundaries of the proposed district or location of the proposed landmark showing all of the following:
 - o Existing structures on properties involved
 - o Existing and proposed property lines and dimensions
 - o Existing easements and/or Proposed easements
 - o Existing and Proposed areas of properties involved
 - o The approximate location of existing streets and/or right-of-ways adjacent to the subject properties
 - o Existing improvements on the property
 - o Map and Tax Lot numbers or tax account numbers for subject property
 - o North arrow
 - o Scale (the preferred scale is 1 inch equals 20 feet) on paper a minimum size of 11 x 17
- Application Fee made payable to the City of Dayton.

Review Process

Historic Preservation Committee Review: All types of Historic Property Request of Change applications will be review by the Historic Preservation Committee. Completed applications shall be reviewed their next regular scheduled meeting. After reviewing the application the Committee may choose to make a written response in regards to their review of the application using the approval criteria as a guideline for their recommendation.

Planning Commission Action: Demolitions, Moving and some Alterations and New Construction requests require review from the Planning Commission. Completed applications will be included for consideration at the next available Commission Meeting. Demolitions and Moving require a Type II public hearing. Alterations and New Construction can be a City Manager decision or may require a public hearing per City Code 7.3.2.

Council Action: Designation requests require City Council Review under a Type III public hearing. Completed application requests will be included for consideration at the next available City Council Meeting.

Completion

Application decisions will be based on the criteria required for each type of action. It is the applicant's responsibility to make sure the State Historic Preservation Office (SHPO) is notified of application recommendations.

TITLE 7: LAND USE AND DEVELOPMENT CODE
SECTION 7.3.2 - ADMINISTRATIVE PROCEDURES

7.3.201 GENERAL PROVISIONS

7.3.201.01 Multiple Applications

Applications for more than one land use action for the same property may, at the applicant's discretion, be heard or reviewed concurrently.

7.3.201.02 Multiple Processing Types

Multiple land use requests involving different processing Types shall be heard and decided at the higher processing Type. For example, an application involving a Subdivision (Type II) with a Minor Variance (Type I) shall be reviewed and decided as a Type II request.

7.3.201.03 Generalized Area

Applications involving a generalized area may be aggregated if in the opinion of the City Manager a better understanding of the entire land use proposal is served by combining requests. A final decision shall be granted for each request and each request is appealable individually. *Amended ORD 608 effective 10/06/11*

7.3.201.04 Time Limit

If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Code.

- A. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
- B. Public notice shall be mailed to affected parties as specified in Section 7.3.204.
- C. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 7.3.206 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

7.3.201.05 Performance Bonding

Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

- A. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Dayton, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Recorder.
- B. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.
- C. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. This time limit may be extended for additional one year periods by the City Manager. *Amended ORD 608 effective 10/06/11*

7.3.202 PROCEDURES

7.3.202.01 Procedure for Type I Review

- A. Upon receipt of an application for a Type I land use action, the City staff shall review the application for completeness.
 - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of issuing a staff report and related timing provisions either:
 - 1. Upon receipt of the additional information to complete the application; or
 - 2. If the applicant refuses to submit the information the application shall be deemed complete for review purposes on the 31st day after the original submittal.
- C. Referrals may be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies at the Manager's option. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate. *(Amended by Ordinance 589 – Effective 4/2/09)(Amended ORD 608 effective 10/06/11)*
- D. Within thirty (30) days of receipt of a complete application, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Code.
- E. Approvals of a Type I action may be granted subject to conditions and performance agreement requirements.
- F. Notice of the decision shall comply with the provisions in Section 7.3.204.
- G. A Type I land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. The appeal shall be filed within 15 days from the date of the final decision, pursuant to the provisions of Section 7.3.207.

7.3.202.02 Procedures for Type II and Type III Actions

- A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.
 - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
 - 1. Upon receipt of the additional information to complete the application; or,
 - 2. If the applicant refuses to submit the information, the application shall be deemed complete for scheduling purposes only on the 31st day after the original submittal.
- C. Referrals will be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate. *(Amended by Ordinance 589 – Effective 4/2/09)*

- D. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 7.3.204.
- E. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
- F. The public hearing before the Planning Commission shall comply with the provisions in Section 7.3.205.
- G. Approvals of any Type II or Type III action may be granted subject to conditions and performance agreement requirements.
- H. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision or recommendation shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.
- I. A Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Manager. The appeal shall be filed within 15 days from the date of the decision, pursuant to the provisions of Section 7.3.207. Type III land use applications are automatically reviewed by the City Council. *Amended ORD 608 effective 10/06/11*

7.3.203 TYPE IV ACTIONS

7.3.203.01 Initiation

Type IV may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.
- C. Recommendation by the City Manager subject to majority approval by the City Council or Planning Commission. *Amended ORD 608 effective 10/06/11*

7.3.203.02 Procedure for Type IV Actions

A. Public Hearings by Planning Commission:

1. A public hearing shall first be held by the Planning Commission on all Type IV requests.
2. The Planning Commission may continue any hearing in order to make a reasonable decision. Amendments to the original request may be considered and acted upon by the Planning Commission.
3. A Type IV Planning Commission action shall be in the form of a recommendation to the City Council.

B. Public Hearing by City Council:

1. Following the Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation.
2. The City Council may continue any hearing in order to make a reasonable decision. Amendments to the original request or the Planning Commission's recommendation may be considered and acted upon by the City Council.
3. An approved Type IV City Council action shall be in the form of an Code.

7.3.204 PUBLIC NOTICE REQUIREMENTS

7.3.204.01 Type I Action. Consistent with State statutes, written notice of a Type I decision shall be mailed to the applicant and all property owners, including county and state agencies responsible for road and highways, within 100 feet of the subject property. Written notice for a Type I Action shall include the following: *(Amended by Ordinance 589 – Effective 4/2/09)*

1. Summary of the request.
2. Relevant decision criteria.
3. Findings of fact indicating how the request does or does not comply with the decision criteria.
4. Conclusionary statement indicating approval or denial of the request including (where appropriate) conditions of approval.
5. Information regarding the appeal process including who may appeal, where appeal must be submitted, fees and the appeal deadline.

7.3.204.02 Type II and Type III Actions

Written notice of any public hearing shall be mailed at least 20 days prior to the hearing date to the applicant and owners of property, including county and state agencies responsible for roads and highways, within 200 feet of the boundaries of the subject property. *(Amended by Ordinance 589 – Effective 4/2/09)*

7.3.204.03 Type IV Actions

Written notice of a hearing before the Planning Commission or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than 10 days prior to the date of the hearing before the Planning Commission and City Council.

7.3.204.04 Notice for Appeals

An appeal to either Planning Commission or City Council shall include written notice at least 10 days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

7.3.204.05 Public Hearing Notice Requirements

Notice for any public hearing, including appeals, shall include the following:

- A. Explain the nature of the application and the proposed use or uses which could be authorized.
- B. Cite the applicable criteria from the Code and the plan which apply to the application at issue.
- C. Set forth the street address or other easily understood geographical reference to the subject property.
- D. State the date, time and location of the hearing.
- E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient detail to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals.
- F. Include the name and phone number of the City representative where additional information may be obtained.
- G. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost.
- H. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost.
- I. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

7.3.205 PUBLIC HEARING BEFORE THE PLANNING COMMISSION

7.3.205.01 General Provisions

- A. Land use actions which require a public hearing by the Planning Commission under the provisions of this Code shall be initially heard within sixty (60) days of the receipt of an application or appeal.
- B. The Planning Commission may continue a public hearing for additional, information, testimony or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date.
- C. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.
- D. Appeal of a Type I action shall be heard by the Planning Commission. The decision of the Commission on such appeal shall be final unless further appealed to the City Council.
- E. The decision of the Planning Commission on applications for Type II actions shall be final unless appealed to the City Council pursuant to Section 7.3.207.
- F. The recommendations of the Planning Commission on applications for Type III or Type IV actions shall be referred to the City Council for final determination.
- G. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the City. Such issues shall be raised with sufficient specificity so as to afford the decision authority, and affected parties, an adequate opportunity to respond to each issue.

7.3.205.02 Public Hearing Procedures

The public hearings before the Planning Commission shall be conducted according to hearings procedures adopted by City Council resolution.

7.3.205.03 Evidence

- A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
- B. The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. Any part of the evidence may be received in written, recorded, video tape or other suitable form.
- C. All evidence shall be offered and made part of the public record.
- D. Every party is entitled to an opportunity to be heard and to present evidence.
- E. All interested persons shall be allowed to testify.

7.3.205.04 Record of Hearing

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

7.3.205.05 Limits on Oral Testimony

The Planning Commission Chair may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

7.3.205.06 Exhibits

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be retained by the City.

7.3.206 REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL.

7.3.206.01 General Provisions

- A. Appeals. The City Council shall hear appeals of the Planning Commission actions. The appeal hearing shall be conducted in a manner consistent with Section 7.3.204.
- B. Action on Type III Reviews. The City Council shall hear all Type III actions; the City Council action on such requests shall be the final action by the City.
- C. All hearings or reviews required by the City Council shall be heard within sixty (60) days of the Planning Commission's written decision or appeal request.
- D. The decision shall be made by the City Council and written findings prepared listing findings for approval or denial, and any conditions of approval, within two weeks of the hearing by the City Council.

7.3.206.02 Hearings by City Council

- A. All public hearings shall be conducted pursuant to the City Council's adopted rules of procedure. The City Council shall allow the opportunity for all parties to be heard and may accept new evidence.
- B. Decisions of the City Council may be appealed to the State Land Use Board of Appeals (LUBA), subject to the provisions in ORS 197.805-855.

7.3.206.03 Appeal Review by City Council

- A. Review on Record: The City Council review of an appeal on an action by the Planning Commission shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the prior decision. The meeting shall be conducted as set forth in the City Council's adopted rules of procedures. The record of the initial proceeding shall include:
 - 1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence.
 - 2. All materials submitted by the City Staff with respect to the application.
 - 3. The minutes of the hearing.
 - 4. The findings and action of the Planning Commission and the notice of decision.
- B. Submission of New Testimony and De Novo Hearings: The City Council may admit additional testimony and other evidence by holding a de novo hearing. Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.
- C. City Council Action. The City Council may affirm, rescind or amend the action of the Planning Commission. The Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120 day review period.

7.3.207 APPEAL PROVISIONS

7.3.207.01 Appeal Period

- A. The decision of the City Manager shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within 15 days of the date the final written notice is mailed. An appeal stays the proceedings in the matter appealed until the determination of the appeal. *Amended ORD 608 effective 10/06/11*
- B. The decision of the Planning Commission for a Type II land use decision, or the appeal of a Type I decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within 15 days of the date the final written notice is mailed. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

7.3.207.02 Form of Appeal

Appeal requests shall be made on forms provided by the City. Appeals shall state the alleged errors in the original action.

7.3.207.03 Notice Requirements

Notice of public hearings by the Planning Commission or City Council on an appeal shall be as specified in Section 7.3.204.

7.3.208 FEES

7.3.208.01 Purpose. Fees are for the purpose of defraying administrative costs.

7.3.208.02 General Provisions

- A. Fees shall be payable at the time of application and shall be as set forth by Ordinance or Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
- B. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case.
- C. Fees are not refundable unless the application is withdrawn prior to the completion of a staff report for a Type I action or notification of the hearing for Type II and III actions.
- D. The City Council may reduce or waive the fees upon showing of just cause to do so.

SECTION 2: LAND USE AND PLANNING

City of Dayton Land Use and Planning Fees

Resolution: 2016/17-01

Effective: September 6, 2016

Adopted: September 6, 2016

TYPE OF LAND USE ACTION	APPLICATION FEE
Annexation	\$1500
Appeal from Planning Commission Decision	\$250
Appeal from Administrative Decision	\$250
Boundary/Lot Line Adjustment	\$300
Comprehensive Plan Amendment	\$1,500
Comprehensive Plan or Zoning Ordinance Text Amendment	\$1,500
Conditional Use Permit	\$1,850
Development Agreements	\$700
Historic Landmark Clearance / Building Alteration	\$100
Historic Landmark Notice of Delay	No Fee
Manufactured Home Park	\$4,300
Multiple Applications	100% of most expensive + 50% of all others
Nonconforming Use	\$450
Partition - Major	\$1,300
Partitions - Minor (Administrative)	\$1,250
Planned Development	\$4,000
Planned Development Amendment	\$300
Pre-Application Meeting	No Fee
Reimbursement District	\$1,000
Restricted Development Review	\$500
Sign Permit - Exterior	\$100
Similar or Temporary Use Permit	\$450
Site Plan/Design Review	\$1,200
Subdivision	\$4,000 +\$20 per/lot
Time Extensions	50% of original application cost
Transcripts	Actual costs of time to prepare
Urban Growth Boundary Amendment	\$2,100
Variance - Major	\$700
Variance - Minor (Administrative)	\$350
Zone Change	\$2,000

Note: The above fees and deposits are an estimate of the costs to process land use applications. **Applicants are responsible for paying the actual costs associated with processing their application**, including but not limited to, time for initial review by staff, costs of required public notices, City Planner review, Engineering and Public Works review and/or inspection and legal services.