

## **Type III Decisions:**

1. Type III decisions involve a greater amount of discretion and evaluation of subjective approval standards and are decided by either a Hearings Officer or the Planning Commission as provided in 16.06.030 (C).
2. Applications evaluated through this process include conditional use permits, variances, and subdivision preliminary plats.
3. ORS 197.763 controls the process for these land use decisions.
4. Notice of the application shall be as provided in 16.06.080.
5. Notice must be issued at least twenty (20) days prior to the hearing, and the staff report must be available at least seven (7) days prior to the hearing.
6. At the evidentiary hearing held before the Hearings Officer or Planning Commission, all issues are addressed.
7. The Hearings Officer's or Planning Commission's decisions are appeal able to the City Council by any party with standing (*i.e.*, applicant and any party who submitted comments or testimony prior to or during the hearing).
8. The City Council's decision is the City's final decision and is appeal able to the Land Use Board of Appeals (LUBA) within twenty-one (21) days of when the decision becomes final.