

CHAPTER 2 - REVIEW PROCEDURES

ARTICLE 20 - BASIC PROVISIONS

20.010 - PURPOSE

The purpose of this Chapter is to establish uniform procedures for reviewing proposals and applications, and for making decisions on matters pertaining to the use and development of land in Grant County. It is the intent of this Chapter to provide review procedures which ensure that the amount of private and public resources devoted to reaching a particular decision is proportional to its complexity and potential impact. These procedures are designed to encourage public familiarity with, and understanding of how, decisions are reached, and to increase the overall speed by which land use decisions are reached.

20.020 - TYPES OF REVIEW PROCEDURES

All reviewing bodies shall be governed by the Comprehensive Plan, the Goals and Policies, and the Land Development Code. In order to achieve the purposes set forth above, the following procedures are established:

- A. Pre-application Conference Procedure;
- B. Administrative Review Procedure;
- C. Hearings Officer Review Procedure (optional);
- D. Planning Commission Review Procedure;
- E. County Court Review Procedure.

20.030 - GENERAL PROCEDURES

- A. When a development proposal involves several different applications for development of land, the applications may be processed concurrently as a package using the highest level of review procedure required by the different applications. The decision on the development proposal shall address each application.
- B. The Planning Director may require separation of applications where:

1. The cumulative package is too complex for a single hearing; or
2. Consolidation of the applications is not administratively feasible.

ARTICLE 21 - PRE-APPLICATION CONFERENCE PROCEDURES

21.010 - PURPOSE

The purpose of the pre-application conference is to acquaint potential applicants with the procedures and requirements for filing, processing, and reviewing a proposed permit or other application governed by this Code in an informal fashion prior to the submission of an application. Pre-application conferences shall take place prior to the filing of an application.

21.020 - SCHEDULING

Persons who wish information on developing or dividing land under the provisions set out in the Land Development Code shall schedule a meeting, at the discretion of the Planning Director, for a time mutually acceptable to the applicant and the planning staff. A pre-application conference may be waived by the Planning Director.

21.030 - CONTENT

During the pre-application conference, the following issues may be discussed, as appropriate:

- A. Requirements for filing an application, including application forms, fees, and the submission of factual documentation about the proposal;
- B. Procedural requirements for review and/or hearing the proposal;
- C. Substantive review criteria embodied in the Comprehensive Plan and the Land Development Code;
- D. Opportunities and constraints involved with the proposal resulting from policies and regulations contained in the Comprehensive Plan and the Land Development Code;
- E. Other issues which may be appropriate.

21.040 - NOTICE, HEARING & APPEAL

No notice, hearing, or appeals shall be provided. The discussions of a pre-application conference shall not be binding on any party.

ARTICLE 22 - ADMINISTRATIVE REVIEW PROCEDURE

22.010 - PURPOSE

The purpose of this Article is to set out the procedures used by the Planning Department to conduct in-house administrative reviews of selected types of land uses and land divisions.

22.020 - RULES OF PROCEDURE

- A. The Planning Department shall be governed by Articles 30, 32, and 33 of this Code for the conduct of all Administrative Reviews.
- B. All Administrative Review Procedures shall be conducted without a hearing.

22.030 - TYPE I REVIEW

- A. A Type I Review shall be conducted without notice.
- B. Review and Decision Procedure:
 - 1. The Planning Director shall review the application upon receipt of a complete application and determine its compliance with applicable provisions of this Code;
 - 2. An authorized signature showing compliance or non-compliance shall constitute the final action.
- C. A Type I decision does not require the exercise of judgment, is not considered a land use decision, and is not subject to appeal as such.

22.040 - TYPE II REVIEW

- A. Review and Decision Procedure:
 - 1. The Planning Director shall mail notice of an application to all persons within the notice area as required by Article 32. Persons receiving notice shall be given 10 days to respond to the notice of application in writing;

2. At the end of the comment period, the Planning Director shall review the application, comments received, if any, and shall determine its compliance with applicable provisions of this Code;
 3. The Planning Director shall reduce the decision to writing in the form of a final action upon the close of the comment period. The final action shall contain the reasons for the decision, shall be based on the evidence presented with the application, shall contain applicable comments, and shall contain findings of fact supporting the decision;
 4. The final action shall be incorporated into the official Planning Department file;
 5. A notice of the final action shall be sent to all parties who participated.
- B. Appeal. A decision reached under the Type II Review Procedure may be appealed to the Planning Commission within 12 days from the date of mailing the final action as set forth in Article 33.

22.050 - TIME LIMIT

- A. An application which is approved using an Administrative Review Procedure is valid for two years from the date of issue.
- B. A one year extension of the approved application may be granted by the Planning Director if the following are met:
 1. The person holding the approved application must make a written request for the extension explaining why development and/or construction has not begun prior to the expiration of the approved application;
 2. The written request is due before the approval expires;
 3. The Planning Director shall determine that the reasons the person holding the approved application was not able to begin development and/or construction are valid and that they were beyond the control of the person;
 4. Additional one year extensions may be authorized where the applicable criteria for the original decision have not changed;
 5. The decision is not considered a land use decision and is not subject to notice and appeal as such.

- C. If an Administrative Permit is approved for a residential development in the Multiple Use Range, Exclusive Farm Use or Primary Forest Zones outside of an Urban Growth Boundary, the permit shall be valid for four years.
- D. The first extension of an Administrative Permit issued under 22.050 (C) shall be valid for two years, and shall be evaluated under the criteria in 22.050 (B).

ARTICLE 23 - HEARINGS OFFICER REVIEW PROCEDURE (Optional)

23.010 - PURPOSE

The purpose of the Hearings Officer Review Procedure is to provide for the conduct of evidentiary, quasi-judicial hearings involving discretionary judgment in the application of standards and review criteria to specific factual situations. The Hearings Officer Review Procedure allows for an impartial tribunal, the opportunity to present evidence, assurance against ex-parte contacts, and the means to create a record of hearings providing findings of fact and conclusions of law. The change of land use or development proposals reviewed under this procedure will have variable impacts on adjacent land and persons.

23.020 - APPOINTMENT & DUTIES

- A. The County Court may, from time to time, appoint the Hearings Officer to serve at the pleasure of the Court. The Court may appoint more than one Hearings Officer. The Court may also choose not to appoint a hearings officer, subject to budget constraints.
- B. When utilized, the Hearings Officer(s) shall be appointed solely with regard to their qualifications for the duties of their position and shall have such training and experience as will qualify them to conduct hearings on land use matters and other duties conferred upon them.
- C. The Hearings Officer(s) may act on behalf of the County Court in hearing and deciding land use matters governed by this Code.

23.030 - RULES OF PROCEDURE

The Hearings Officer shall follow Chapter 3 of this Code for the conduct of hearings. These rules shall be in writing and copies shall be available for review upon request to all individuals at any hearing.

23.040 - PUBLIC HEARING & NOTICE

- A. The Planning Director shall schedule public hearings and provide notice of Hearings Officer Review as provided by Article 31 and Article 32.
- B. The Planning Director or the Hearings Officer, may continue or reschedule a public hearing to a date and time certain upon a written request by the applicant as set out in Section 31.120(K):

If a written request for rescheduling the public hearing is received seven days prior to the scheduled public hearing, it may be rescheduled by the Planning Director. The date and time certain shall be noticed as required and the applicant shall be required to pay a fee for the second or any subsequent noticing.

23.050 - REVIEW & DECISION

- A. Public hearings conducted by the Hearings Officer shall be called to order at the date and time specified in the public notice. The conduct of the hearing shall be according to Article 31.
- B. The Hearings Officer may continue an evidentiary hearing to a date and time certain on a matter before it, if, in its judgment, additional time is necessary to review the proposal or to receive additional information regarding the proposal.
- C. The Hearings Officer may continue the evidentiary hearing to a date and time certain to conduct a site visit. At the time the hearing is continued, the date and time of the site visit should be announced, if known, as well as the date and time certain when the hearing will resume or a decision will be made.
- D. At the conclusion of the final evidentiary hearing, the Hearings Officer may make a decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code, or shall continue the matter to a date and time certain for a decision.
- E. A decision of the Hearings Officer shall incorporate findings of fact and conclusions of law based on substantial evidence in the whole record.
- F. A decision of the Hearings Officer shall not be final until it is reduced to writing in the form of a final action, approved, and signed in accordance with Section 31.130(C).

23.060 - APPEAL

A final action of the Hearings Officer may be appealed to the County Court within 12 days from the date it is mailed as set forth in Article 33.

ARTICLE 24 - PLANNING COMMISSION REVIEW PROCEDURE

24.010 - PURPOSE

The purpose of the Planning Commission Review Procedure is to provide for the conduct of hearings necessary to reach quasi-judicial decisions involving discretionary judgment in the application of standards and review criteria to specific factual situations, or to make legislative recommendations involving the balancing of divergent positions. The change of land use or development proposals reviewed under this procedure may have significant impacts on adjacent land or persons, or involve policy decisions affecting a broad range of lands or persons.

24.020 - APPOINTMENT & DUTIES

- A. The County Court, under the authority set out in ORS 215.020, shall appoint the members of the Planning Commission to serve terms fixed in length by the Court.
- B. The Planning Commissioners shall be appointed under ORS 215.030, with consideration given to the following criteria:
 - 1. The members of the Commission shall be residents of the various geographic areas of the County;
 - 2. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit either as individuals or for a company or corporation;
 - 3. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.
- C. The members of the Planning Commission may act on behalf of the County Court in hearing and deciding land use matters governed by this Code.

24.030 - RULES OF PROCEDURE

The Planning Commission shall follow Chapter 3 of this Code for the conduct of hearings. Copies shall be available for review upon request to all individuals at any hearing.

24.040 - PUBLIC HEARING AND NOTICE

- A. The Planning Director shall schedule public hearings and provide notice of Planning Commission Review as provided by Article 31 and Article 32.
- B. The Planning Director or the Planning Commission, may continue or reschedule a public hearing to a date and time certain upon a written request by the applicant as set out in Section 31.120(K):

If a written request for rescheduling the public hearing is received seven days prior to the scheduled public hearing, it may be rescheduled by the Planning Director. The date and time certain shall be noticed as required and the applicant shall be required to pay a fee for the second or any subsequent noticing.

24.050 - REVIEW AND DECISION

- A. Public hearings conducted by the Planning Commission shall be called to order by the Chair or Acting Chair at the date and time specified in the public notice. The conduct of the hearing shall be according to Article 31.
- B. The Planning Commission may continue an evidentiary hearing to a date and time certain on a matter before it, if, in its judgment, additional time is necessary to review the proposal or to receive additional information regarding the proposal.
- C. The Planning Commission may continue the evidentiary hearing to a date and time certain to conduct a site visit. At the time the hearing is continued, the date and time of the site visit should be announced, if known, as well as the date and time certain when the hearing will resume or a decision will be rendered.
- D. Quasi-Judicial Hearings:
 - 1. At the conclusion of the final evidentiary hearing, the Planning Commission may make its decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code, or shall continue the matter to a date and time certain for a decision;
 - 2. A decision of the Planning Commission shall incorporate findings of fact and conclusions of law based on substantial evidence in the whole record;
 - 3. A decision of the Planning Commission shall not be final until it is reduced to writing in the form of a final action, approved, and signed in accordance with Section 31.130(C);

4. For items where the Planning Commission does not make the final decision but rather recommends a decision to the County Court, the Planning Commission shall make its recommendation using steps 1-3 above.
- E. Hearings for legislative changes to the Comprehensive Plan, Land Development Code, or Zoning Map:
1. At the close of the final evidentiary hearing, the Planning Commission may make its decision to recommend, conditionally recommend, or recommend denial of the request based on review standards and criteria set forth in this Code;
or
 2. Shall continue the matter to a date and time certain for a recommendation.

24.060 - APPEAL

A final action of the Planning Commission on a land use issue may be appealed to the County Court within the time periods specified in Section 33.030 (A).

ARTICLE 25 - COUNTY COURT REVIEW PROCEDURE

25.010 - PURPOSE

The purpose of the County Court Review Procedure is to provide for the conduct of hearings necessary to reach quasi-judicial decisions involving discretionary judgment in the application of standards and review criteria to specific factual situations, to adjudicate decisions of other Review Bodies, or to make legislative decisions involving the balancing of divergent positions. The change of land use or development proposals reviewed under this procedure may have significant impacts on adjacent land or persons, or involve policy decisions affecting a broad range of lands or persons.

25.020 - RULES OF PROCEDURE

The County Court shall follow Chapter 3 of this Code for the conduct of hearings. Copies shall be available for review upon request to all individuals at any hearing.

25.030 - PUBLIC HEARING AND NOTICE

- A. The Planning Director shall schedule public hearings and provide notice of County Court Review as provided by Article 31 and Article 32.
- B. The Planning Director or the County Court may continue or reschedule a public hearing to a date and time certain upon a written request by the applicant as set out in Section 31.120(K):

If a written request for rescheduling the public hearing is received seven days prior to the scheduled public hearing, it may be rescheduled by the Planning Director. The date and time certain shall be noticed as required and the applicant shall be required to pay a fee for the second or any subsequent noticing.

25.040 - REVIEW AND DECISION

- A. Public hearings conducted by the County Court shall be called to order at the date and time specified in the public notice. The conduct of the hearing shall be according to Article 31.
- B. The County Court may continue an evidentiary hearing to a date and time certain on a matter before it, if, in its judgment, additional time is necessary to review the proposal or to receive additional information regarding the proposal.

- C. The Court may continue the evidentiary hearing to a date and time certain to conduct a site visit. At the time the hearing is continued, the date and time of the site visit should be announced, if known, as well as the date and time certain when the hearing will resume or a decision will be taken.

- D. Quasi-Judicial Hearings:
 - 1. At the conclusion of the final evidentiary hearing, the County Court may make its decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code, affirm, reverse, or return an appeal, or shall continue the matter to a date and time certain for a decision;
 - 2. A decision of the County Court shall incorporate findings of fact and conclusions of law based on substantial evidence in the whole record;
 - 3. A decision of the County Court shall not be final until it is reduced to writing in the form of a final action, approved, and signed in accordance with Section 31.130(C).

- E. Hearings for legislative changes to the Comprehensive Plan, Land Development Code, or Zoning Map:
 - 1. At the close of the final evidentiary hearing, the County Court may make its decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code; or
 - 2. Shall continue the matter to a date and time certain for a decision.

25.050 - APPEAL

A land use decision of the County Court shall be final unless appealed to the Oregon Land Use Board of Appeals as set forth in Article 33 consistent with ORS 197.805 through 197.860.