

Staff Decision Notification Requirements

Notice of Application

After the receipt of a complete application, the Planning Department will mail out a notice of the request to the applicant and to owners of property on the most recent property tax assessment roll where such property is located:

- A. Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
- B. Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone;
- C. Within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.

Notice shall also be sent to the Planning Commission and County Commission, and any other agency that may find an interest in the application such as the Property Appraiser, Building Official, local RFPD chief, septic program supervisor, etc.

The notice provided by the Planning Department shall:

- Explain the nature of the application and the proposed use or uses which could be authorized;
- List the applicable Ordinance standards and/or criteria, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the application at issue;
- Set forth the street address or other easily understood geographical reference to the subject property;
- Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- State that within 14 days after mailing notice of the request for action all interested agencies, departments or area residents may request upon stating specific reason why, that a public hearing be held by the Commission at their earliest convenient meeting to consider the request.
- State the date after which a decision shall be made by the Planning Director.

Notice of Decision

Oregon Revised Statutes (ORS) 215.416

(8)(a) Approval or denial of a [land use application] shall be based on standards and criteria in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the county.

(9) Approval or denial of a [land use application] shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

Once the Planning Director has made a final decision, the staff decision shall be sent to all of the same people the notice of application was sent to. A land use decision by the Planning Director may be appealed, per Article 34.00, within 30-days of the date on the notice of decision, to the Planning Commission for a public hearing.

A decision on appeal by the Planning Commission may be further appealed within 30-days to the County Commission.

Oregon Revised Statutes (ORS) 215.416(11)

The governing body designates may approve or deny an application for a permit without a hearing (i.e. a staff decision) if the Planning Department gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice, to file an appeal.

The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

If a decision is appealed.

An appeal hearing allows all new testimony on the subject. The applicant and other parties will have the opportunity to present testimony, arguments and evidence and the presentation of testimony, arguments and evidence is not limited to issues raised in a notice of appeal.

The fee for an appeal to the Planning Commission is \$250