

1305 ADMINISTRATIVE RESPONSIBILITY OF THE PLANNING DIRECTOR

1305.01 DUTIES

The Planning Director, subject to the direction of the Board of County Commissioners, shall perform the following duties:

- A. Schedule and assign cases for initial hearing and review;
- B. Conduct all correspondence of the Hearings Officer;
- C. Give notice as required by this Ordinance;
- D. Maintain dockets and minutes of all initial hearings;
- E. Compile and maintain all necessary records, files, and indexes;
- F. Maintain a filing system for docket control of all matters scheduled for hearing or review;
- G. Enter into the record all continuances, postponements, dates of giving notice, and a summary of all actions taken by the Hearings Officer or other persons pursuant to this Ordinance;
- H. Enter into the minutes the decision upon each matter initially heard and the reasons for the decision;
- I. Serve copies of orders reduced to writing by mail upon any party requesting the same at a fee established by the Board of County Commissioners. There will be no fee charged for such requests by recognized and active community planning organizations;
- J. Reduce orders of the Hearings Officer to writing and file same within a reasonable time; and
- K. Decide all questions of interpretation or applicability to specific properties of any provision of the Comprehensive Plan or this Ordinance. An application for an interpretation shall be processed pursuant to Subsection 1305.03;
- L. Initiate a public hearing before the Hearings Officer for revocation of a prior approval of an administrative action when there is a violation of conditions attached to the previous approval sufficient to merit such revocation. Revocation requests shall be processed pursuant to Section 1300; and
- M. Conduct preapplication conferences prior to filing of an administrative action for application types requiring a conference and, for other application types, when requested by the applicant.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1305.02 PLANNING DIRECTOR REVIEW

Administrative actions that require Planning Director review shall be subject to the following provisions. However, an applicant for an administrative action that is subject to Planning Director review may request that such administrative action be heard directly by the Hearings Officer pursuant to Sections 1301 through 1304.

- A. Notice of Application: Prior to the issuance of a decision by the Planning Director
 - 1. A copy of the application shall be sent to the recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s).
 - 2. Written notice of the application shall be provided to cities or other entities as prescribed in an applicable dual-interest or urban growth management agreement.
 - 3. A minimum of 20 days prior to the issuance of a decision, written notice of the application shall be provided to the airport sponsor and the Oregon Department of Aviation when required by Subsection 712.08 or 713.07.
- B. Decision: The Planning Director may approve the application as submitted, approve the application with conditions, or deny the application. The Planning Director shall prepare written findings justifying the decision.
- C. Notice of Decision: The Planning Director shall provide notice of the written decision to:
 - 1. The recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s);
 - 2. The applicant;
 - 3. Property owners of record pursuant to Subsections 1302.01(B)(2) and 1302.03;
 - 4. The airport sponsor and the Oregon Department of Aviation when required by Subsection 712.08 or 713.07; and
 - 5. Cities or other entities as prescribed in an applicable dual-interest or urban growth management agreement.

D. Appeals: The decision of the Planning Director shall become final unless appealed in writing.

1. The appeal must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business.
2. If appealed, the application shall be reviewed by the Hearings Officer pursuant to Section 1300.
3. An appeal to the Hearings Officer stays proceedings in the matter appealed until the determination of the appeal.

E. Refiling: If an application for an administrative action is denied, or a land use permit is revoked pursuant to Subsection 1305.01(L), an applicant may refile for consideration of the same or substantially similar application only if:

1. The Planning Director finds that one of the following circumstances renders inapplicable all of the specific reasons for denial:
 - a. A change has occurred in this ordinance, the Comprehensive Plan, or other applicable law which is material to the application; for the purposes of this provision, “change” includes amendment to the applicable provisions or a modification in accepted meaning or application caused by an interpretation filed pursuant to Subsection 1305.01(K);
 - b. A mistake in facts was considered by the hearings authority which was material to the application;
 - c. There have been changes in circumstances resulting in new facts material to the application;
 - d. A change has occurred in the zoning of the property, or adjacent property, that substantially affects the merits of the application; or
 - e. There have been substantial changes in the surrounding area, or on the subject property, such as availability of services or improvements to public facilities, that affect the merits of the application.
2. Except as provided in Subsection 1305.02(E)(1) a new application cannot be filed until two years after either final denial of an application by the County or revocation of a land use permit.

F. Postponements: The applicant may request a postponement pursuant to Subsection 1303.08.

- G. Reissuing a Decision: The Planning Director may reissue a Planning Director decision as a result of a clerical error, a misstatement of facts or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period. Notice of the reissued decision shall be given in the same manner as notice of the original decision.

[Amended by Ord. ZDO-230, 9/26/11]

1305.03 INTERPRETATIONS

An application for an Interpretation shall be subject to the following provisions:

- A. The Planning Director has the authority to interpret the Comprehensive Plan and this Ordinance and their applicability to specific properties, except where such authority is specifically granted by this Ordinance to the Hearings Officer.
- B. Anyone may initiate an application for an Interpretation, except that an application for an Interpretation of the applicability of this Ordinance to a specific property may only be initiated by those parties identified in Subsection 1301.03(A).
- C. A complete application shall include:
1. A completed land use application on a form provided by the Planning Director;
 2. Identification of the provision(s) for which an Interpretation is requested;
 3. Identification by tax map designation of the County Assessor of the specific property, if any, to which an Interpretation relates; and
 4. A detailed description of any proposed use, specific circumstances, or other factors necessary to allow the Planning Director to make an Interpretation.
- D. A minimum of 15 days prior to the issuance of the Planning Director's decision, a copy of the submitted application shall be sent to all recognized and active community planning organizations whose boundaries contain property to which an Interpretation could be applicable.
- E. The Planning Director shall provide notice of the written decision to the applicant, all recognized and active community planning organizations whose boundaries contain property to which an Interpretation could be applicable, and cities or other entities as prescribed in an applicable dual-interest or urban growth management agreement. In addition, if an Interpretation relates to the applicability of this Ordinance to a specific property, notice of the written decision shall be provided to property owners of record pursuant to Subsections 1302.01(B)(2) and 1302.03.

- F. The decision of the Planning Director shall become final unless appealed in writing. The appeal must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12th day falls on a day on which the County is not open for business, by the next day on which the County is open for business. Anyone may appeal the decision. If appealed, an application for an interpretation of this Ordinance shall be reviewed by the Hearings Officer pursuant to Section 1300. If appealed, an application for an interpretation of the Comprehensive Plan shall be reviewed by the Planning Commission pursuant to Section 1300. An appeal stays the proceedings in the matter appealed until the determination of the appeal by the Hearings Officer or Planning Commission, as applicable.
- G. Interpretations shall be subject to Subsections 1305.02(E) through (G).
- H. An application may not be filed for an Interpretation when the specific question raised in the application has already been decided through another administrative action. A question shall not be deemed to have been decided if the fact circumstances in the previous administrative action differ from those presented in an Interpretation application.

[Amended by Ord. ZDO-230, 9/26/11]

1305.04 MINOR MODIFICATIONS

The Planning Director shall review minor modifications to approved administrative actions, or conditions thereto, subject to the following provisions:

- A. A minor modification shall be approved if it:
 - 1. Is consistent with the prior approval;
 - 2. Is consistent with all Ordinance provisions in effect on the date the modification request is submitted; and
 - 3. Does not result in any of the following:
 - a. A change in the type of use (e.g. commercial, industrial, institutional);
 - b. An increase of greater than 25 percent of the original approved building floor area;
 - c. An increase of greater than 25 percent of the original approved lot coverage;

- d. An increase in the density of development (residential or recreational uses), or intensity of use, as demonstrated by a change in occupancy rating requiring substantial modifications to structures;
 - e. An increase in traffic congestion or use of public facilities;
 - f. A reduction in approved open space;
 - g. A reduction of off-street parking spaces or loading berths, except as provided under Section 1015; or
 - h. A reduction in required pavement widths or a change in major access locations, except as required by the County.
- B. Approval Period and Time Extension: Approval of a minor modification is subject to the same approval period and time extension provisions as the application type modified by the approval.

[Moved from Subsection 1305.01 and amended by Ord. ZDO-230, 9/26/11]

1305.05 TIME EXTENSION

- A. When permitted elsewhere in this Ordinance for specific administrative action types, a time extension is subject to the following criteria:
- 1. A time extension shall be requested in writing, on a form provided by the Planning Director.
 - 2. A time extension shall be filed with the Planning Director prior to the expiration of the initial approval period for the administrative action.
 - 3. The proposed development as originally approved shall be consistent with the relevant provisions of this Ordinance in effect on the date a complete application for a time extension is submitted; and
 - 4. There shall have been no changes on the subject property or in the surrounding area that would be cause for reconsideration of the original decision.
- B. If more than one administrative action (e.g. a partition and a variance) was approved for the same, or substantially similar, proposed development, time extension requests for these administrative actions may be consolidated as one application, at the applicant's discretion.

[Adopted by Ord. ZDO-230, 9/26/11]