

Article 72 - Planning Director's Review Procedure

ARTICLE 72 - PLANNING DIRECTOR'S REVIEW PROCEDURE

Section 72.00 - Purpose

The purpose of this Article is to establish procedures for approval of actions by the Planning Director, and to create procedures for appeal and review of the Director's decision.

Section 72.05 – Review Actions

The Director shall have the authority to review and make written decisions regarding application types and actions listed under Section 72.15 below.

Section 72.10 - Pre-Application Conference

The Director shall coordinate and conduct a pre-application conference prior to accepting an application.

Section 72.15 - Application

The Director shall review and make a decision regarding the following application types and actions:

- A. Variances.
- B. Dependent relative permits and other temporary uses.
- C. Non-farm dwellings.
- D. Conditional Use Permits.
- E. Reinstatement of discontinued non-conforming uses and enlargement of non-conforming uses.
- F. Non-forest dwellings on pre-existing non-conforming lots and lots of record in the Forest zones.
- G. Major and Minor Partitions.
- H. Plan and Zone Boundary adjustments.
- I. Alteration or repair of a non-conforming use.
- J. Other actions prescribed in the County Administrative Code and the County Subdivision/Zoning Ordinances or by the Board.
- K. Non-Ministerial Property Line Adjustments
- L. Exception and Hardship Variance requests under the Stream Protection Overlay Zone.
- M. Transportation projects identified as conditional uses in Article 55 (Supplementary Provisions), Section 55.60(B) of this Ordinance.

Article 72 - Planning Director's Review Procedure

Section 72.20 – Notice

- A. Notice shall be sent by mail to all property owners within 250' of the property which is the subject of the application.
- B. Notice shall be sent to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.
- C. Notice shall be placed in a newspaper of general circulation at least 10 days prior to the Director's final decision.

Section 72.25 - Director's Review Procedure

- A. Within 30 days after accepting an application for action, the Director shall act on the application unless such time limitation is extended by consent of the applicant.
- B. Upon receipt of a complete application the Director shall:
 - 1. Provide notice and send referrals to affected agencies;
 - 2. Prepare a final report containing at least Findings of Fact and Conclusions of Law; and
 - 3. Prepare a decision to approve, conditionally approve, or deny the request.
- C. The Director's decision can be appealed to the Planning Commission. The Director will schedule to be heard at the earliest opportunity all applications that are appealed before the Hood River County Planning Commission. The hearing shall be conducted in accordance with Article 60 - Administrative Procedures of this Ordinance.

Section 72.30 – Director's Decision

- A. The Director shall render his decision on an action within the time frame specified by this Ordinance.
- B. The Director's decision shall be made in a written report taking into consideration at least the following:
 - 1. The Burden of Proof is upon the applicant seeking an action pursuant to the provisions of this Ordinance. Consequently, the applicant shall present documented findings and other information addressing provisions of applicable ordinances at the time application is submitted. Such burden shall be to prove the proposed use complies with the following

Article 72 - Planning Director's Review Procedure

applicable requirements: (a) elements of the Comprehensive Plan; (b) criteria, factors and provisions of this Ordinance; (c) Burden of Proof criteria as specified in Section 60.10 of this Ordinance; and (d) Statewide Planning Goals.

2. Relevant factors include proof of change in the Plan or mistake in the Plan or zoning for the subject property.
 3. Written comments provided by the applicant, adjacent property owners, or affected public agencies and local jurisdictions, or other persons. The Director shall prepare a final report including Findings and Conclusions to justify his decision.
- C. If conditionally approved by the Director, the following limitations shall apply: (1) conditions shall be fulfilled within the time limitation specified in the approval, or if no time is specified, within a reasonable time limit agreed upon by the applicant and Director; (2) conditions of approval shall be reasonable and shall insure the protection of the public's health, safety and welfare, or to fulfill public service demands generated by the proposed use; (3) conditional approval may require the applicant to sign a contract with the County for enforcement of conditions. Such contract shall be executed within 30 days after conditional approval is granted, provided however, that the Director may grant reasonable time extensions. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permits shall be issued for the use covered by the applications until the executed contract is recorded in Hood River County. Such contract shall not restrict the power of subsequent actions with or without conditions. Such contract shall be enforceable against the signing parties, by Hood River County by appropriate action for the benefit of the public health, safety and welfare; (4) a bond in the form acceptable to the Director or upon appeal or review by the Commission or Board, or a cash deposit from the property owner or contract purchasers in such an amount as will assure compliance with the conditions imposed, may be required. Such bond or deposit shall be recorded in Hood River County; and (5) failure to fulfill conditions of approval within time limitations may be grounds for revocation by the Director.
- D. The Director's final decision could include a recommendation that the Planning Commission conduct a hearing regarding the application.
- E. If an application is denied by the Director and no higher authority reverses such denial upon appeal, no application for the same or substantially similar action shall be filed for at least 12 months from the date of the final order on the application denying the application.
- F. Minor or major modifications are subject to Article 1, Section 1.090 of this Ordinance.

Section 72.35 - Notice of Director's Decision

- A. The Director's decision shall be filed in the County Planning Department and mailed to the applicant and all applicable parties.

Article 72 - Planning Director's Review Procedure

- B. Notice of decision shall contain: (1) identification of application; (2) Findings of Fact or Conclusions of Law of the Director; (3) other information pertinent to the application; and (4) the date of the Director's decision.
- C. The Director shall notify the Planning Commission and Board of final decision(s).

Section 72.40 - Appeal from Decision of the Director

- A. At the request of the Planning Commission, the Director's final decision can be subject to review through a hearings process. The request shall occur within 15 days after the Director final report is completed.
- B. The Planning Director's decision shall be final unless written appeal is received by the Director within 15 days after the Director's decision is presented in a final written report, or unless the Commission or Board on its own motion, orders review within 15 days after the Director's final report is completed.
- C. Filing fee for appeal of Planning Director's decision shall be according to the current fee schedule.
- D. Those making an appeal must have standing as prescribed in Section 72.45.

Section 72.45 – Standing

- A. Any "party" having "standing" as provided by this section may appeal to the Planning Commission the Director's decision.
- B. In order to have standing for review under this Ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must attend a conference or submit written comments to the Director prior to the Director's final decisions and speak or introduce written comments in opposition to the Director's ultimate act or decision, unless the party can show to the Planning Commission good cause or reason why a discussion or submittal of information to the Director was not possible. The following are hereby defined as parties having standing for review under this Ordinance:
 - 1. The Planning Commission shall make all decisions of who shall qualify as a party having standing under this Ordinance prior to the time set for final hearing on review.
 - 2. A person or persons jointly or severally, adversely affected or aggrieved in fact by an action or ruling of the Director.
 - 3. A governmental agency, civic or environmental organization that demonstrates to the Planning Commission that it has a valid interest in the preservation of aesthetic,

Article 72 - Planning Director's Review Procedure

healthful, or conservational conditions for the welfare of the general public.

4. Any other person who demonstrates to the Planning Commission that his legal rights are substantially affected by the Planning Director's decision.