

SECTION 1300 – APPLICATION REQUIREMENTS AND PROCEDURES

1301. SUMMARY OF APPLICATION AND REVIEW PROCEDURES. [Last Amended 5/24/12; Ord. 872]

1301.01 Type A, B and C Procedures

The review of applications received under the provisions of this ordinance shall be conducted according to one or more of the three procedures described below:

A. Type A Procedure

The following procedure shall be used when county ordinance requires Type A review of an application:

1. Prior to or at the time of filing an application, the applicant or the applicant's authorized representative shall meet with the Director or an authorized representative of the Department of Planning and Development in a pre-application conference to review requirements and concerns about the applicant's request;
2. The applicant shall submit an application to the Department on a form prescribed by the Director;
3. Upon receipt of a complete application the Director shall review the application and shall make a decision based on an evaluation of the proposal and on the applicable criteria in this ordinance. The Director may, at his/her discretion, forward the application to the Planning Commission and have the request processed under the Type C review procedures. [Amended 1/14/99; Ord. 668; 12/05/02; Ord. 720]
4. The applicant and the surrounding property owners who are entitled to notice pursuant to state law shall be notified in writing of the Director's decision and of the reasons for the decision. Others who may have an interest in the decision shall be notified by publication in a newspaper of general circulation in the county. [Amended 12/05/02; Ord. 720]
5. All decisions of the Director may be appealed to the Board if such an appeal is filed within 15 days from the date of the decision, pursuant to Section 1404 for appeals.

B. Type B Procedure.

The following procedure shall be used when county ordinance requires Type B review of an application:

1. Prior to or at the time of filing an application, the applicant or the applicant's authorized representative shall meet with the Director or an authorized representative of the Department of Planning and Development in a pre-application conference to review requirements and concerns about the applicant's request;

2. The applicant shall submit an application to the Department on a form prescribed by the Director;
3. Owners of land adjoining the subject property and others as required under the Type A provisions, the Board, and the Commission, shall be notified of the application. Others who may have an interest in the application shall be notified by publication in a newspaper of general circulation in the county. The Director shall have the right to provide written notice to such other persons as deemed appropriate. Those notified shall be given 15 days from the date of notification to either submit a written request for public hearing, or bring to the attention of the Director objections to approval or any adverse consequences or incompatibilities that may result from approval. A request for a hearing shall be in writing, shall state the basis for requesting the hearing and shall be accompanied by payment of a fee to cover the cost of the hearing. No fee shall be required if the hearing is requested by the Board, Commission, appropriate planning advisory committee, or the Director.

[Amended 12/05/02; Ord. 720]
4. If no timely written request for a public hearing is received by the Director, the Director shall either approve or deny the application. The Director may attach additional conditions to an approval based on comments received during the 15 day period following public notice. The Director shall make a decision based on an evaluation of the proposal within 150 days of receipt of a complete application, or such longer period mutually agreed to by the Director and the applicant. The applicant and those who commented during the 15 day period following public notice shall be notified in writing of the Director's decision and the reasons for the decision. A decision of the Director made pursuant to this subsection may be appealed to the Board by filing pursuant to Section 1404 of this ordinance no later than 15 days from the date of the decision.

[Amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]
5. If the Director receives a timely written request for public hearing, as specified in this section, the Director shall schedule a public hearing before the Commission or hearings officer, according to the Type C procedure described in subsection 1301.01(C) and in accordance with the public notice requirements of Section 1402.

C. Type C Procedure - Public Hearing Before the Commission or Hearings Officer.

The following procedure shall be used when county ordinance requires Type C review of an application.

1. Prior to or at the time of filing an application, a pre-application conference shall be conducted in which the applicant or the applicant's authorized representative shall meet with the Director or an authorized member of the department to review requirements and concerns about the applicant's request.
2. The applicant shall submit an application to the Department of Planning and Development on a form prescribed by the Director;
3. Upon receipt of a complete application, a public hearing shall be scheduled and public notice mailed and published according to the public notice requirements contained in Section 1402;

4. At the public hearing the county staff, the applicant, and other interested parties may present information relevant to the proposal, and may give reasons why the application should or should not be approved; [Amended 12/05/02; Ord. 720]
5. For applications that do not involve plan amendments, within 150 days of receipt of a completed application, or such longer period mutually agreed to by both the Director and the applicant, the application shall be approved or denied based on an evaluation of the proposal and applicable criteria as set forth in this ordinance; [Amended 12/05/02; Ord. 720]
6. The applicant shall be notified in writing of the decision and of the reasons for the decision; and
7. All decisions of the Commission or hearings officer may be appealed to the Board, if the appeal is filed within 15 days from the date of the decision, pursuant to Section 1404 for appeals.

1301.02 Effective Date of Decision.

The effective date of decision is the date of recording of the final order or, if the decision is such that no order is to be filed, the effective date of decision is the date of the letter notifying the applicant of the decision.

1301.03 Reapplication.

If an application is denied, no new application for the same or substantially similar action shall be filed for at least one year from the effective date of decision.

1301.04 Review by the Commission.

The Commission may, on its own motion, initiate review of any decision of the Director made pursuant to the review procedures of subsection 1301.01 if within 15 days of the decision, a request is received from one or more members of the Commission for review of the decision and at the next regularly scheduled meeting of the Commission a motion is passed to review the decision. Review by the Commission shall be subject to Section 1404 for appeals.

1301.05 Review by the Board.

The Board may, on its own motion, order review of any decision made pursuant to the review procedures of subsection 1301.01 if such a motion is made within 15 days of the decision, subject to Section 1403 for Board review.

1301.06 Effective Date of Application.

Approval of any land use application, as provided for in the review procedures of subsection 1301.01, shall not be effective, and no development permits shall be issued, until the appeal period has elapsed.