

ARTICLE 4

ADMINISTRATIVE REVIEW

SECTION 4.010, PURPOSE: The purpose of this article is to provide the procedural guidelines for reviewing applications for uses and developments which may impact neighboring properties and developments but not to the extent of requiring a public hearing review. The Administrative Review authority has some discretion regarding the applicant's compliance by applicable review standards and criteria, setting forth conditions of approval, and requiring performance guarantees.

SECTION 4.015, RESPONSIBLE REVIEW AUTHORITY: Unless specified otherwise, the Planning Director is the review authority for all applications requiring Administrative Review.

SECTION 4.020, NOTICE OF REVIEW: ORS 197.763

01. Administrative Review requires written notice of review to be given to owners of property lying within:
 - A. One hundred (100) feet of the exterior boundary of the subject property where the subject property is wholly or in part within an urban growth boundary.
 - B. Two hundred and fifty (250) feet of the exterior boundary of the subject property where the subject property is outside an urban growth boundary and not within a farm or forest zone.
 - C. Seven hundred and fifty (750) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

The review authority will provide the notice to other parties should it be determined by the review authority their interests may be affected by the proposal, or they have other needs for the notice.

02. Notice of review is to be provided no later than five days following the application date of filing and, at a minimum, contain the following information:
 - A. Name of applicant.

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- B. Name of property owner.
- C. Property identification.
- D. Nature of request.
- E. Ordinance provisions which govern the review.
- F. Where application can be reviewed.
- G. Where written comment will be received.
- H. Last date written comment will be received.
- I. Last date on which decision is to be rendered.
- J. Rights to notice of final action.
- K. Rights to appeal final action.

SECTION 4.025, REVIEW PROCESS AND DECISION:

- 01. Upon receipt of a filed application, the Administrative Review authority shall review the application for compliance with all applicable standards and criteria. The review authority shall consider all comments received which are pertinent to the application and which address applicable review standards and criteria.
- 02. The decision of the review authority is to be rendered no sooner than the 16th day nor later than the 45th day following the applicants date of filing.
- 03. The decision of the review authority is to be placed in writing and shall set forth the findings and conclusions used to reach the decision. Each applicable review standard and criterion shall be addressed by the review authority as well as each pertinent comment received during the review process.
- 04. The decision of the review authority shall specify each condition of approval and required performance guarantees imposed on the permit.
- 05. The decision document shall be provided to the applicant and to all parties responding to the notice of review or who request receipt of the decision document. The document shall be mailed or delivered by other means no later than five days following the date of final action.

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SECTION 4.030, CONDITIONS OF APPROVAL AND PERFORMANCE GUARANTEES: The Administrative Review authority may impose such conditions of approval upon a permit as is deemed necessary to insure the use or development complies with the applicable standards and criteria and as provided for in Article 9, Conditional Use.

SECTION 4.035, APPLICABLE REVIEW CRITERIA:

01. SALMON HABITAT RESTORATION: Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.
02. SCENIC WATERWAYS, WILDLIFE HABITAT, WETLANDS AND RIPARIAN CORRIDORS: Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.

SECTION 4.040, WAIVER OF NOTICE OF REVIEW REQUIREMENT: If, in the opinion of the Administrative Review authority, the proposed use or development is not significant enough to warrant notice of review to affected parties, the review authority may elect to review the application for conformance with all applicable standards and criteria and issue a decision. The final action and right to appeal shall then be provided to all parties to which notice of review would have been provided.

SECTION 4.045, APPEAL: Appeal of an Administrative Review decision may be taken in the manner prescribed in Article 7, Appeals, within ten days after the decision has been mailed to parties that would have been notified if a public hearing had been held. The notice of final action shall specify to all noticed parties the right to appeal and the last date an appeal would be accepted.

SECTION 4.050, REFERRAL BY REVIEW AUTHORITY: Review of an application under the provisions of Administrative Review will be referred to the Planning Commission by the review authority should the review authority be unable to provide a fair or unbiased review due to conflict of interest, bias, or other substantial cause. An application so referred to the Commission is to be reviewed pursuant to the public hearing review procedures of Article 5, Public Hearing. An application shall be accompanied by an explanation of the conflict of interest, bias, or other substantial cause for rejection of Administrative Review.
