

ARTICLE 5

PUBLIC HEARING REVIEW

SECTION 5.010, PURPOSE: The Public Hearing Review procedures set forth in this article are designed to provide the means of reviewing applications for uses and developments which may have a significant impact on neighboring uses and developments; amendments to the land use plan; zoning map or implementing ordinances; the health, safety, or welfare of the citizens; or on the provision of public services; therefore, they require review in an open and public forum.

SECTION 5.015, RESPONSIBLE REVIEW AUTHORITY: The Planning Commission is the review authority for all applications requiring Public Hearing Review unless delegated to a hearings officer.

SECTION 5.020, RESPONSIBILITY OF THE DIRECTOR: The Planning Director is responsible for the following duties pertaining to an application being reviewed in public hearing:

01. Schedule the hearing.
02. Conduct the correspondence of the review authority.
03. Prepare and give proper notice of the hearing.
04. Maintain the record of the hearing.
05. Prepare final decision document for execution/recording.
06. Provide all parties with a copy of the final decision.

SECTION 5.025, NOTICE OF PUBLIC HEARING:

01. Public Hearing Review requires notice of hearing be given to all 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 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;

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- C. Seven hundred fifty (750) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

The Director will provide notice to other parties should it be determined their interests may be affected by the proposal or they have other need for notice. The notice shall be mailed or otherwise delivered no later than ten days prior to the hearing date.

- 02. Notice of public hearing shall be placed in a newspaper of general circulation no later than 10 days prior to the hearing date nor greater than twenty 20 days prior to the hearing date.
- 03. Notice of public hearing shall be posted on the Wallowa County Courthouse Public Notice Board no later than 10 days nor greater than 20 days prior to the hearing date.
- 04. Notice of public hearing regarding an application required by this ordinance shall, at a minimum, contain the following information:
 - A. Name of applicant.
 - 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. Place, date, and time of the public hearing.
 - H. Where written comment will be received.

SECTION 5.030, CONDUCT AND ORDER OF HEARING: The rules of conduct and the order of the public hearing shall be as prescribed in the Wallowa County Conduct of Hearings Ordinance unless supplemented by rules adopted prior to the commencement of the evidentiary portion of the hearing.

SECTION 5.035, REVIEW PROCESS AND DECISION:

- 01. Upon receipt of a filed application, the Public Hearing Review authority shall conduct at least one public hearing to review the application for compliance with all

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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 final decision of the review authority should be rendered no later than 120 days following the filing date of the application.
03. The final 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.
04. The decision of the review authority shall specify each condition of approval and required performance guarantees imposed on the permit.
05. The final decision order shall be signed by the review authority and provided to the applicant as well as all parties to the review and to those other parties requesting notice of action be provided. The document shall be mailed or delivered by other means no later than five days following the date of final action.

SECTION 5.040, CONDITIONS OF APPROVAL AND PERFORMANCE GUARANTEES:

01. The Public Hearing Review authority may impose such conditions of approval upon a permit as are deemed necessary to insure the use or development complies with the applicable standards and criteria.
02. The Administrative Review authority may require a performance guarantee to insure the use or development is implemented in the manner detailed in the application. Performance guarantees are authorized and regulated by Article 40, Performance Guarantee.

SECTION 5.045, APPEAL: Appeal of a Public Hearing Review decision may be taken in the manner prescribed in Article 7, Appeals, within ten days after the decision has been mailed to the hearing participants. The notice of final action shall specify to all participants the right of appeal and the last date an appeal would be accepted.
