

Section 9-01.10-10 Land Use Permit Applicable Review Procedures

- A. **Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 9-01.101 provides a key for determining the review procedure and the decision-making body for particular approvals.
- B. **Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures; Type I, II, III, and IV. These procedures are described in subsection 1-4 below. Table 9-01.10 -1 lists all of the City’s land use and development approvals and their required review procedures(s).
1. **Type I Procedure (Administrative).** Type I decisions are made by the City Planning Official, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion;
 2. **Type II Procedure (Administrative).** Type II decisions are made by the City Planning Official or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission;
 3. **Type III Procedure (Quasi-Judicial).** Type III decisions are made by the Planning commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.
 4. **Type IV Procedure (Legislative).** Type IV procedures apply to legislative matters, legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

TABLE 9-01.10-10 [Land Use Permit Applicable Review Procedures]

- Access Permit (public street) – Type I
- Building Permit – N/A Building Code
- Code Interpretation – Type III
- Code Amendment – Type III
- Code Amendment – Type IV
- Comprehensive Plan Amendment – Type IV
- Conditional Use Permit Type III
- Flood Plain Development Permit – Type I
- Home Occupation – Type I and III
- Planned Development – Type III
- Modification to approval – Type II/III (minor or major)
- Zone District Map Change – Type III or IV

- Legislative Plan or Code Amendment – Type IV Chapter
- Property Line Adjustments and Lot Consolidations – Type I
- Lot of Record Determination – Type I
- Non-Conforming Use – Type III
- Partition – Type II or III
- Sign permit – Type I
- Site Design Review – Type I and III
- Subdivision – Preliminary Plan and Final Plat – Type III
- Temporary Use Permit – Type I and III
- Variance – Type III

9-01.10-20 [Type I Procedure (Administrative).]

A. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the City Planning Official or designee.
2. Application Requirements. Type I applications shall:
 - (a) Include the information requested on the application form;
 - (b) Address the criteria in sufficient detail for review and action; and
 - (c) Be filed with the required fee.

B. Administrative Decision Requirements. The City Planning Official or designee's decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

C. Final Decision. A Type I decision is the final decision of the City. It cannot be appealed to City officials.

D. Effective Date. A Type I decision is final on the date it is made.

9-01.10-30 [Type II Procedure (Administrative).]

A. Pre-application Conference. A pre-application conference is required for Type II reviews. Pre-application conference requirements and procedures are in Section 9-01.10.60.

B. Application Requirements.

1. Application Forms. Type II applications shall be made on forms provided by the City Planning Official or designee.
2. Submittal Information. The application shall:
 - (a) Include the information requested on the application form;
 - (b) Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval.

C. Notice of Application for Type II Administrative Decision.

1. Before making a Type II Administrative Decision, the City Planning Official or designee shall mail notice to:
 - (a) All owners of record of real property within a minimum of 250 feet of the subject site;
 - (b) All City-recognized neighborhood groups or associations whose boundaries include the site;

- (c) Any person who submits a written request to receive a notice; and
 - (d) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.
 3. Notice of pending Type II Administrative Decision shall:
 - (a) Provide a 14-day period for submitting written comments before a decision is made on the permit;
 - (b) List the relevant approval criteria by name and number of code sections;
 - (c) State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - (d) Include the name and telephone number of a contact person regarding the Administrative Decision;
 - (e) Describe proposal and identify the specific permits or approvals requested;
 - (f) Describe the street address or other easily understandable reference to the location of the site;
 - (g) State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
 - (h) State that all evidence relied upon by the City Planning Official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - (i) State that after the comment period closes, the City Planning Official or designee shall issue a Type II Administrative Decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
 - (j) Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Vernonia Title 9 Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
- D. Administrative Decision Requirements. The City Planning Official or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the City Planning Official or designee shall approve, approve with conditions, or deny the requested permit or action. Alternatively, the City Planning Official, and/or the applicant, may refer the application to the Planning Commission

for review in public hearing, in which case the review shall follow the Type III procedure.

E. Notice of Decision.

1. Within five days after the City Planning Official or designee signs the decision, a Notice of Decision shall be sent by mail to:
 - (a) The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
 - (b) Any person who submits a written request to receive notice, or provides comments during the application-review period;
 - (c) Any City-recognized neighborhood group or association whose boundaries include the site; and
 - (d) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
2. The City Planning Official or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
3. The Type II Notice of Decision shall contain:
 - (a.) A Summary description of the applicant's proposal and the City's decision on the proposal;
 - (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
 - (c) A statement of where the City's decision can be obtained;
 - (d) The date the decision shall become final., unless appealed
 - (e) A statement that all persons entitled to notice may appeal the decision; and
 - (f) A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

F. Final Decision and Effective Date. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

G. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows;

1. Who may appeal? The following people have legal standing to appeal a Type II Administrative Decision:
 - (a.) The applicant or owner of the subject property;
 - (b) Any person who was entitled to written notice of the Type II administrative decision.
 - (c) Any other person who participated in the proceeding by submitting written comments.

2. Appeal Filing Procedure.

- (a) Notice of appeal. Any person with standing to appeal, as provided in Subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;
 - (b) Time for filing. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;
 - (c) Content of notice of appeal. The Notice of Appeal shall contain:
 - (1) An identification of the decision being appealed, including the date of the decision;
 - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (3) A statement explaining the specific issues being raised on appeal;
 - (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - (5) Filing fee.
3. Scope of Appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing *de novo* before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II Administrative Appeals, as provided in Sections 9-01.10-30 C-E;
5. Further Appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

9-01.10-40 [Type III Procedure (Quasi-Judicial).]

- A. Pre-application Conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 9-01.10-60.
- B. Application Requirements.
 - 1. Application Forms. Type III applications shall be made on forms provided by the City Planning Official or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.
 - 2. Submittal Information. When a Type III application is required, it shall:

- (a) Include the information requested on the application form;
- (b) Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval; and
- (c) Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required. The records of the Columbia County Assessor's Office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice mailing list. The City or the applicant shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application.

C. Notice of Hearing.

- 1. Mailed Notice. The City shall mail the notice of the Type III action. The records of the Columbia County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official or designee in the following manner:
 - a. At least 20 days before the hearing date, notice shall be mailed to:
 - (1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - (2) All property owners of record within 250 feet of the site;
 - (3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 - (4) Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
 - (5) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
 - (6) Any person who submits a written request to receive notice;
 - (7) For appeals, the appellant and all persons who provided testimony in the original decision; and

- (8) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. The City Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
 - c. At least fourteen (14) business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.
2. Content of Notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:
 - (a) The nature of the application and the proposed land use or uses that could be authorized for the property;
 - (b) The applicable criteria and standards from the development code(s) that apply to the application;
 - (c) The street address or other easily understood geographical reference to the subject property;
 - (d) The date, time, and location of the public hearing;
 - (e) A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State land Use board of Appeals;
 - (f) The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - (g) A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable applicable criteria and standards can be reviewed at Vernonia City Hall at no cost and the copies shall be provided at a reasonable cost;
 - (h) A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - (i) A general explanation of the requirements to submit testimony and the procedure for conducting public hearings; and
 - (j) The following notice; "Notice to mortgagee, lien holder, vendor or seller: The City of Vernonia Title 9 Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance:
 - (a) The applicable approval criteria and standards that apply to the application or appeal;

- (b) A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - (c) A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - (d) Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a “continuance”) per Paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per Paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
 3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.
 - a. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section 9-01.10-40D is subject to the limitations of ORS 227.178 (“129 –day rule”), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence;

- d. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
 - e. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
 - f. The review authority shall retain custody of the record until the City issues a final decision.
4. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see Section 9.01.10-40D (6) below) as reasonably possible. However, the public has a countervailing right of free access to public officials.

Therefore:

- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing *ex parte* contacts (as defined in Section 9-01.10-40.D(5) below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
- b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
- c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
- d. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Sections 9-01.10-40D(4) through (5). In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.

- e. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
- f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

5. *Ex parte* Communications.

- a. Members of the hearings body shall not:
 - (1) Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per Section C above;
 - (2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
- b. No decision or action of the hearings body shall be invalid due to *ex parte* contacts or bias resulting from *ex parte* contacts, if the person receiving contact:
 - (1) Places in the record the substance of any written or oral *ex parte* communications concerning the decision or action; and
 - (2) Make a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
- c. A communication between City staff and the hearings body is not considered an *ex parte* contact.

6. Presenting and Receiving Evidence.

- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 9-01.1-40D;
- c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning

of the hearing and an opportunity is provided to dispute the evidence.

E. The Decision Process.

1. **Basis for decision.** Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
2. **Findings and Conclusions.** Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
3. **Form of Decision.** The planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. the Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
4. **Decision-making Time Limits.** A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Planning Official or designee within ten (10) business days after the close of the deliberation;
5. **Notice of Decision.** Written notice of a Type II Administrative Appeal decision of a Type III decision shall be mailed to the applicant and to all participants of record within ten (10) business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
6. **Final Decision and Effective Date.** The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State land Use Board of Appeals must be filed within 21 days of the City Council's written decision or, in the case of Type I decision, within 21 days of the administrative decision date.

9-01.10-50 [Type IV Procedure (Legislative).]

- A. **Pre-Application Conference.** A pre-application conference is required for all Type IV applications initiated by a party other than the City of Vernonia. The requirements and procedures for a pre-application conference are described in Section 9-01.10-60C.
- B. **Timing of Requests.** The City accepts legislative requests any time of the year. The City Council may initiate its own legislative proposals at any time.

C. Application Requirements.

1. Application Forms. Type IV applications shall be made on forms provided by the City Planning Official or designee.
2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; and
 - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

D. Notice of Hearing.

1. Required Hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.
2. Notification Requirements. Notice of public hearings for the request shall be given by the City Planning Official or designee in the following manner:
 - a. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - (1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
 - (2) Any affected governmental agency;
 - (3) Any person who requests notice in writing;
 - (4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
 - (5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
 - b. At least ten (10) days before the scheduled Planning Commission public hearing date and fourteen (14) days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
 - c. The City Planning Official or designee shall:
 - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and
 - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in Subsection b.
 - d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed

comprehensive plan and development code amendments at least forty-five (45) before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

- e. Notifications for annexation shall follow the provisions of this Chapter.
3. Content of Notices. The mailed and published notices shall include the following information:
 - a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained;
 - b. The proposed site locations;
 - c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s), of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 9-01.10-50E); and
 - e. Each mailed notice required by Section 9-01.10-50D shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of Vernonia Title 9 Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
 4. Failure to Receive Notice. The failure of any person to receive notice shall not invalidate the action, providing:
 - a. Personal notice is deemed given where the notice is deposited with the United State Postal Service;
 - b. Published notice is deemed given on the date it is published.

E. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the City Council:
 - a. The presiding officer of the Planning Commission and the City Council shall have the authority to:
 - (1) Regulate the course, sequence, and decorum of the hearing;
 - (2) Direct procedural requirements or similar matters; and
 - (3) Impose reasonable time limits for oral presentations.
 - b. No person shall address the Commission or the Council without:
 - (1) Receiving recognition for the presiding officer; and
 - (2) Stating their full name and address.
 - c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:
 - a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
 - b. The City Planning Official or designee's report and other applicable staff reports shall be presented;
 - c. The public shall be invited to testify;
 - d. The public hearing may be continued to allow additional testimony or it may be closed; and
 - e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.
- F. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.
- G. Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the relevant factors of Sections 9-01.09-50 to 9-01.09-70.
- H. Approval Process and Authority.
 1. The Planning Commission shall:
 - a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
 - b. Within fourteen (14) business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Planning Official or designee.
 2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official or designee before the Council public hearing on the proposal. The City Planning Official or designee shall send a copy to each Council member and place a copy in the record;
 3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within sixty (60) days of its first public hearing on the proposed change, the City Planning Official or designee shall:
 - a. Report the failure together with the proposed change to the City Council; and
 - b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing to make a decision. No further action shall be taken by the Commission.
 4. The City Council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
- b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
- c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

I. Vote Required for a Legislative Change.

- 1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
- 2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

J. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the City Planning Official or designee. The City shall also provide notice to all persons as required by other applicable laws.

K. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

L. Record of the Public Hearing.

- 1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
- 2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
- 3. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the City Planning Official or designee to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of the notices that were given as required by this Chapter.

9-01.10-60 [General Provisions: 120-day Rule; Time Computation; Pre-application Conferences; Acceptance and Review; Planning Official's Duties, Amended Applications; Re-submittal; Appeals]

A. 120-day Rule. The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within one hundred twenty (120) days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any

exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

- B. Time Computation. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.
- C. Pre-application Conferences.
1. Participants. When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate;
 2. Information Provided. At such conference, the City Planning Official or designee shall:
 - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
 - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
 - c. Provide available technical data and assistance that will aid the applicant;
 - d. Identify other governmental policies and regulations that relate to the application; and
 - e. Reasonably identify other opportunities or constraints concerning the application.
 3. Disclaimer. Failure of the City Planning Official or his/her designee to provide any of the information required by this Section 9-01.10-60C shall not constitute a waiver of any of the standards, criteria or requirements for the application;
 4. Changes in the Law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.
- D. Acceptance and Review of Applications.
1. Initiation of Applications:
 - a. Applications for approval under this Chapter may be initiated by:
 - (1) Order of City Council;
 - (2) Resolution of the Planning Commission;
 - (3) The City Planning Official or designee;
 - (4) A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
 - b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
 2. Consolidation of Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for

the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

- a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.
 - b. When proceedings are consolidated:
 - (1) The notice shall identify each application to be decided;
 - (2) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and
 - (3) Separate findings and decisions shall be made on each application.
3. Check for Acceptance and Completeness. In reviewing an application for completeness, the following procedure shall be used:
- a. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;
 - (1) The required form;
 - (2) The required fee;
 - (3) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
 - b. Completeness.
 - (1) Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant one hundred eighty (180) days to submit the missing information, or fourteen (14) days to submit a refusal statement;
 - (2) Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in Section 9-01.10-.60D.3.b(1), above. For the refusal to be valid, the refusal shall be

made in writing and received by the City Planning Official or designee no later than fourteen (14) days after the date on the City Planning Official or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on 31st day after the City Planning Official or designee first accepted the application.

- (3) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.
- (4) Coordinated Review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and Federal review agencies.

4. Changes or additions to the application during the review period.

Once an application is deemed complete:

- a. All documents and other evidence relied upon by the applicant shall be submitted to the City Planning Official or designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by City Planning Official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
- b. When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
- c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see "d", below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
- d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:
 - (1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be

subject to different criteria and standards and different decision dates;

- (2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section 4.1.600.A above) on the existing application. If the applicant does not consent, the City shall not select this option;
- (3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;

e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. City Planning Official's Duties. The City Planning Official or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;
2. Accept all development applications that comply with Section 4.1.600;
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;
4. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;
 - b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 9-01.10-.40C.
5. Administer the hearings process;
6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the

application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within fourteen (14) business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the original application procedures. All other changes to decisions that are not modifications follow the appeal process.

G. Re-submittal of Application Following Denial. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least twelve (12) months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Planning Official or designee.

H. Appeal Process. An appeal by a person with standing shall be a hearing *de novo* and following the Type III procedure. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the proceeding below. The Planning Commission or City Council may allow additional evidence, testimony, or argument concerning any standard, criterion, condition, or issue relevant to the original application.

9-01.10-70 [Site Development Review, Type I and Type III]

- A. Purpose and Application. The City has two types of Site Development Review, "I" and "III." Both review processes are designed to ensure compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as more detailed design standards for particular uses. Site Development Review III uses more discretionary approval criteria and covers larger developments. See applicable zone use and review Tables for the review type assigned to a particular development proposal.
- B. Application Review Procedures. Site Development Review Type I is an administrative review and is conducted by the City Planner. However, the City Planner may choose to refer a Type I Site Development Review request to the Planning Commission for a decision, subject to the Type III application requirements. Site Development Review Type III is a quasi-judicial land use

review with public notice and conducted by the Planning Commission as a public hearing in accordance with Section 9-01.10-40.

C. Application Submission Requirements- The following information is required for all Site Development Review applications required by Table 10-10-1.

1. Submittal Requirements for Site Development Review Type I and III

All applications for site design review shall include the following additional information, as deemed applicable by the City Planner and specified by Table 10-10-1, Site Development Review Type I and III Application Requirements:

- a. Existing Conditions Plan. At a minimum, the Existing Conditions Plan shall contain the following:
 - (1) The applicant's entire property and the surrounding property within a minimum of one hundred (100) feet from the edges of the applicant's property. The property boundaries, dimensions and gross area shall be identified;
 - (2) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - (3) Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - (4) Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
 - (5) The location, size and species of trees or groves of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four (4) feet above grade;
 - (6) North arrow and scale;
 - (7) Names and addresses of all persons listed as owners on the most recently recorded deed;
 - (8) Additional information, as determined by the City Planner. The City may require studies or exhibits prepared by qualified professionals to address specific site features;
 - (9) If the development is located in a flood plain or environmental overlay zone as identified by the City's Zoning Map, the following elements are also required:
 - i. Topographic contour lines at six (6)-inch intervals;
 - ii. Identification of slopes greater than twenty-five percent (25%);
 - iii. Identification of floodways, areas subject to a one hundred (100) year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards; and
 - iv. Natural resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any State or federal natural resource regulatory agency or agencies as requiring protection;

b. Proposed Site Plan. The site plan shall contain the following information:

- (1) The proposed development site, including boundaries, dimensions, and gross area;
- (2) Features identified on the Existing Conditions Plan proposed to remain on the site;
- (3) Features identified on the Existing Conditions Plan, if any, proposed to be removed or modified by the development;
- (4) The location and dimensions of all proposed public and private streets, alleys, drives, rights-of-way, and easements;
- (5) The location and dimensions of all proposed structures, utilities, pavement and other improvements on the site. This includes both new structures and existing structures that will remain on the site. Setback dimensions for all proposed buildings shall be provided on the site plan;
- (6) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- (7) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- (8) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- (9) Loading and service areas for waste disposal, loading and delivery;
- (10) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- (11) Location, type, and height of outdoor lighting;
- (12) Other information determined by the City Planner. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this code;

c. Elevations/Drawings. The City Planner may require architectural drawings showing building elevations with building height and width dimensions and design features required by this code.

d. Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites one (1) acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating changes to contour lines, slope ratios, slope stabilization proposals, and location and height of proposed retaining walls. Surface water detention and treatment plans may also be required, in accordance with City Storm Water Plan requirements.

- e. **Landscape Plan-** A landscape plan may be required at the direction of the City Planner and, if required, shall show the following:
- (1) The location and height of existing and proposed fences and other buffering or screening materials and plants;
 - (2) The location of terraces, retaining walls, decks, patios, shelters, and play areas;
 - (3) The location, size, and species of plant materials (at time of planting);
 - (4) Building and pavement outlines;
 - (5) Irrigation system if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
 - (6) Other information as deemed appropriate by the City Planner based on code approval standards and criteria.
- f. **Deed Restrictions.** Copies of all existing and proposed restrictions and covenants. For existing documents that have been recorded, this means a copy of the recorded document with the recording information on its face.
- g. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 9-01.10-10.D [Site Design Review Approval Criteria].

<u>Table 10-10-1</u>		
<u>Site Development Review Type I and III Application Requirements</u>		
Requirement	Site Development -Type I	Site Development – Type III
Existing Conditions Plan	Required	Required
Proposed Site Plan	Required	Required
Elevations/Drawings	If Required by City Planner	Required
Preliminary Grading Plan	If Required by City Planner	Required
Landscape Plan	If Required by City Planner	Required
Deed Restrictions	Required	Required
Narrative	Required	Required

D. Approval Criteria.

1. For Type I Site Development Reviews, the City Planner shall make written findings regarding all of the following criteria when approving, approving with conditions, or denying an application:
 - a. The application is complete as to required information, as determined in accordance with this section and the City's Zoning Code;
 - b. The application complies with all of the applicable provisions of the underlying land use zone or district, including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building

- orientation, architectural design features, and other special standards as may be required for certain land uses.
- c. The proposed plan shall illustrate and provide adequate vehicle access and circulation, perimeter landscaping including the preservation of trees where feasible and landscape maintenance, fencing and walls for safety or privacy, parking and loading, public facilities and franchise utilities, trash disposal, exterior lighting, surface water management, and street improvements in accordance with city standards and the City Transportation System Plan, where applicable.
2. For Type III Site Development Reviews, the Planning Commission shall make written findings regarding all of the approval criteria for a Site Design Review Type I application (See 9-01.10-10.D.1.a and 9-01.10-10.D.1.b of this section above), plus all of the following criteria, when approving, approving with conditions, or denying an application:
 - a. If the development site contains one (1) or more non-conforming use and/or non-conforming development, the application shall bring all existing non-conformities into compliance with code standards and criteria in effect at the time the application is deemed complete;
 - b. The application complies with all additional City standards and criteria that apply to development of the site that are not included in the zoning district regulations, including site access and circulation, landscaping, trees, fence or wall construction; parking, and public facilities;
 - c. Conditions required as part of a previous partition or subdivision, conditional use permit; planned unit development or other approval have been met. Conditions required as part of a current partition or subdivision, conditional use permit; planned unit development or other approval shall be met through development according to the proposal as approved or approved with conditions.
 3. Exceptions to the standards associated with these criteria may be granted only when approved according to the City's variance process as per Article 9-01.08 of this chapter.

E. Permits and Expiration of Decision. If approved, the decision is valid for one year, and an extension of that approval may be granted by the City for a Type I and by the Planning Commission for a Type III for up to a maximum of two years. Building Permits may be issued in accordance with Section 9-01.10-80.

9-01.10-80 | Building Permits, Expirations and Occupancy

- A. Building Permit. No permit shall be issued by the building official for the construction, reconstruction, alteration or change of use of a structure or lot that has not been approved by the City Planning Official or his/her designee and does not conform to the requirements of this code and the following provisions.
 1. Examples include but are not limited to:
 - a. Adding a room
 - b. Build, demolish, or move a carport, garage, or shed of more than 200 square feet
 - c. Finish an attic, garage, or basement

- d. Cut a new window or door opening
 - e. Widen existing openings
 - f. Move, remove, or add walls
 - g. Application of roofing when all of the old roofing is removed and new sheathing is installed
 - h. Build a stairway
 - i. Build a retaining wall more than four feet high
 - j. Building a deck more than 30 inches above grade
 - k. Build a fence more than six feet high
 - l. Installation or alteration of heating, cooling or ventilation equipment
 - m. Add, alter, or demolish public utility lines not located in the public right-of-way such as water, sewer, or electrical.
 - n. Any change to improved or unimproved real estate such as dredging, drilling, excavation, filling, grading, or paving.
2. Flood Plain Permit Determination. No permit shall be issued until the need for a flood plain permit is determined by the City.
3. Development Regulations Compliance Checklist. No permit for a single family dwelling shall be issued until the property owner has completed and signed a Development Regulations Checklist form issued by the City.
4. Emergency Temporary Housing Permit. Temporary emergency housing permits will be issued only in the event of conflagration, flood, earthquake, act of terrorism or any disaster that results in the Vernonia City Council, Columbia County officials, the Governors office or a Presidential declaration of a state of emergency, where families have been displaced, have no other recourse, and are seeking temporary housing accommodations while reestablishing their primary residence.
- a. Eligibility for application and uses permitted:
 - (1) Temporary MFH subdivision as applied for by FEMA, or other disaster recovery organization.
 - (2) Temporary placement of a MFH, RV, or travel trailer as applied for by a homeowner located on their property while working on their own home.
 - (3) Temporary placement of a MFH, RV, or travel trailer as applied for by a homeowner located on their property for a family member while they reestablish a permanent residence.
 - (4) Temporary RV accommodations as applied for by relief workers while working on efforts directly related to the declared emergency.
 - b. Permits will be reviewed every six (6) months to evaluate their continued validity, not to exceed two (2) years from date of declaration unless passed by a vote of the City Council or if the state of emergency has not been lifted.
 - c. If, in the case of a second disaster of an unrelated event, the permit may be reevaluated and reissued as of that date.
 - d. All temporary emergency housing must be done in conformance with all relevant City, County, State and other applicable codes and regulations.

5. Issuance of Permits. After the receipt of all information required for the permit the Building Official shall review the standards set in this ordinance. If applicant has met all required standards then within seven working days the permit shall be issued by the Building Official.
6. Denial of Permit. If any major elements are clearly out of line with the standards and the issuance is denied a written statement specifying the reasons for the denial will be sent within seven (7) working days.
7. Expiration and Revocation of Permits. When a time limit for a permit is not specified elsewhere in this ordinance, said permit shall be subject to expiration and revocation as follows:
 - a. If revoked all work must cease until a permit is re-issued.
 - b. A permit may be revoked if false information is provided on the application.
 - c. If the work described in the permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire and shall be revoked by the City.
 - d. If more than six (6) months lapses from the date of the last inspection passed, a permit may be revoked by the City.
 - e. If the work described in the permit has not been completed within two (2) years from the date of issuance thereof and a request to extend the time limit has not been approved by the Planning Commission, said permit shall expire and shall be revoked by the City.

B. Certificate of Occupancy.

1. Occupancy Requirement. Prior to the occupancy of any dwelling the owner shall secure from the City a Certificate of Occupancy stating that the building and it's use comply with all provisions of the regulations applicable to the building or it's use in the zone in which it is located.
2. Issuance of Certificate. After submission of an application for a Certificate of Occupancy the Building Inspector shall obtain approval by the City Planning Official or his/her designee and shall inspect the property and make such referrals to other local officials for technical determinations, as he or she deems appropriate, for conformance with conditions of the permit and the standards set in this ordinance. If the applicant has conformed to all of the required conditions and standards, a Certificate of Occupancy shall be issued within seven working days.
3. Denial of Certificate. If any major conditions or standards have not been complied with, and the Certificate of Occupancy is denied, a written statement specifying the reasons for the denial shall be sent within seven days.