

CITY OF WHEELER, OREGON ZONING ORDINANCE

ARTICLE 13: MATTERS SUBJECT TO REVIEW AND APPROVAL BY PLANNING
COMMISSION; PUBLIC DELIBERATIONS AND HEARINGS

Section 13.010. General.

This article shall apply to variances, conditional use permits, and planned developments, all of which are to be reviewed and approved by the Planning Commission.

Section 13.020. Application.

Applications for review by the Planning Commission shall be submitted on an appropriate form as developed by the Planning Commission, or in lieu of an approved form, in writing, and shall be accompanied by a legal description, plans and documents as required in this ordinance, and such other information as the Planning Commission may deem appropriate.

Section 13.030. Fees.

The Planning Commission shall not consider, nor shall any authorized city official commence processing, any matter for which a fee is assigned, until such fee is paid in full. Fees shall not be required where the city, or any official acting on behalf of the city, is the applicant. The amount of required fees shall be established by resolution of the City Council.

Section 13.040. Report of City Recorder.

The City Recorder shall assemble and coordinate the reviews of various applicable city officials, government agencies, public utilities, and citizens and may prepare or cause to be prepared, a report summarizing preliminary findings and recommendations. The report shall be filed with the Planning Commission at least seven days prior to the scheduled public hearing on the application, and copies of the report shall be mailed to the applicant and shall be made available for use by interested persons.

Section 13.050. Procedure for Mailed Notice.

1. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
 - a. Legislative change to the zoning ordinance: none;
 - b. Quasi-judicial change to the zoning ordinance: two hundred fifty feet;
 - c. Conditional use: two hundred fifty feet.
 - d. Variance and setback reduction: one hundred feet.
 - e. Design review plans: one hundred feet;
 - f. Clearing, cutting and filling, pursuant to Article 11.053: Abutting property owners.

CITY OF WHEELER, OREGON ZONING ORDINANCE

2. Mailed notice shall be sent to the applicant.
3. Addresses for a mailed notice required by this title shall be obtained from the county assessor's Real Property Tax records. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this title for notice.
4. Mailed notice shall contain the information contained in of Section 13.070.

Section 13.060. Procedure for Published Notice.

1. Notice shall be given for the proposed actions described below by publication in a newspaper of general circulation in the city:
 - a. Legislative change to this zoning ordinance.
2. Published notice shall contain the information contained in Section 13.070.

Section 13.070. Notice of Hearing.

1. Notice of a hearing shall contain the following information:
 - a. The name of the property owner and applicant, if different from the property owner, and the city's case file number;
 - b. The date, time, place of the hearing, and who is holding the public hearings;
 - c. A description of the location of the property for which a permit or other action is pending, including the street address and a subdivision lot and block designation, or the tax map designation of the County Assessor;
 - d. A concise description of the proposed actions;
 - e. A listing of the applicable criteria from this title and the Comprehensive Plan known to apply to the application at issues;
 - f. A statement that a failure, by the applicant or other parties to the hearing, to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal based on that issues;

CITY OF WHEELER, OREGON ZONING ORDINANCE

- g. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the reasonable costs;
- h. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable costs;
- i. The name of a city representative to contact and the telephone number where additional information may be obtained; and
- j. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

Section 13.080. Time of Notice.

1. Where required, notice shall be mailed, published, and posted twenty days prior to the hearing requiring the notice.
2. Where required by Section 13.060, notice shall be mailed, published, and posted thirty days prior to the hearing requiring the notice.

Section 13.090. Date of Public Hearing.

A public hearing shall be held within forty days of the filing of a complete application.

Section 13.100. Availability of Staff Reports.

Any staff report to be used at a public hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. This continuance period shall not be counted as part of the one hundred twenty day time limit required by Oregon Revised Statutes (ORS 227.178) and the Planning Commission By-laws.

Section 13.110. Hearing Procedures.

All hearings shall be conducted according to the Planning Commission By-laws.