

ARTICLE 3 ADMINISTRATIVE PROVISIONS

Section 3.010 Review Process for Land Use Actions.

- (1) Permits requiring only ministerial action (i.e. require no public hearing and/or notice to adjacent landowners) shall be referred by the Director to the Planning Official within three working days of the date the application is filed with the County Planning Department. In the event there is no response or recommendation received from the City within ten days from the date the application is filed with the County Planning Department, the Director shall presume the application is acceptable to the City and shall proceed to review and either approve or disapprove the application pursuant to County review procedures. In the event the Director's decision is contrary to the recommendation of the City, the Director shall issue a tentative decision and provide the applicant and City a copy of that tentative decision within five days of the action. The tentative decision of the Director shall not become final for ten days from the date of the tentative decision to provide the applicant, City, and County an opportunity to resolve the differences. If agreement cannot be reached within ten days, the tentative decision of the Director shall become final. If agreement is reached and the tentative decision is modified, the modifications shall be shown in the final decision of the Director. All final actions of the Director may be appealed by any aggrieved party in the manner prescribed in County ordinance.
- (2) Permits requiring discretionary review (i.e., requires a public hearing and/or notice to adjacent land owners) shall be forwarded to the City by the Director within seven days of the date the application is filed with the County Planning Department. Review of discretionary permits shall proceed as follows:
 - (a) The City shall review the application and, if it deems necessary, shall respond with its comments on recommendations prior to the commencement of the hearing (if possible) or during the hearing or, in the case of a permit application requiring administrative review with notice, prior to the deadline set for receipt of written testimony. The date set for public hearing or as deadline for receipt of written testimony shall be such as to provide both the City Commission and City Council an opportunity to review the application in a regularly scheduled meeting.

- (b) No response from the City shall be presumed to mean the City has no objections to the application.
- (c) The County shall retain full decision-making authority in reviewing all permits for land use actions in the Urban Growth Area. In making its decision the County shall consider, and is obligated to respond to all comments submitted by the City with regard to the application. The final decision of the County shall be provided to the City within five days of the date of the final action. The City reserves the right to appeal any final action of the County.

Section 3.020 Public Facilities and Services

- (1) The cost of extension or improvements of public facilities and utilities required as a condition of a permit approval shall be borne by the developer, unless the City or County agrees to bear all or any portion of the costs thereof.
- (2) Creation of a new street or improvements of existing streets or rights-of-way shall conform to the City's existing street patterns and master plan and shall be engineered and constructed to City specifications. Road maintenance shall be the responsibility of the County or appropriate road district, if and only if, the road is formally accepted into the road system pursuant to the provisions of State Statute.
- (3) The City and County shall exchange recommendations with respect to the following items which are within, or adjacent to, or which directly impact, the Nyssa Urban Growth Boundary and all lands therein, and for which either has the ultimate decision making capacity:
 - (a) Capital improvement programs and major public works projects for transportation, recreation, sewer, water, or drainage facilities; acquisition or development of property; or other similar activities.
 - (b) Functional plans, or amendments thereto, for utilities, drainage, solid waste, transportation, recreation, or other similar activities.
 - (c) Plans, or amendments thereto, for economic and industrial development.
 - (d) Design and engineering standards for Urban facilities and services.