

# ATTACHMENT B

## TEXT AMENDMENTS TO THE CURRY COUNTY ZONING ORDINANCE

The following text adds *Curry County Zoning Ordinance* ARTICLE II - Section 2.400.

Added text is in **bold**;

Deleted text is ~~struck through~~

### Section 2.400. Board of Commissioners Review of Applications and Appeals.

A decision of the Planning Director or Planning Commission may be called up by the Board of Commissioners at any time prior to the expiration of the appeal period. Hearing will be one of following:

1. ***Full de novo hearing.*** If there has been no hearing prior to the initial decision, a full de novo hearing is required for an appeal. New issues may be raised and new testimony, arguments, and evidence may be accepted and considered by the Board.
2. ***Limited evidentiary hearing.*** Evidence presented at the hearing shall be limited to only specific issues, criteria or conditions specifically identified by the Board.
3. ***Review of record.*** Only the evidence, data and written testimony submitted prior to the close of the record will be reviewed. No new evidence or testimony related to new evidence will be considered, and no public hearing will be held.
4. **The Board of Commissioners reserves the right to pre-empt any permit review process or appeal process and hear any permit application or appeal directly.**
5. **The Board of Commissioners may elect to hire a hearings officer to conduct one or more hearings on any matter. The hearing will follow all notification requirements and timelines listed in this Section. After the hearings are complete and the record is closed:**
  - a) **The hearings officer shall supply a recommendation with findings for the Board of Commissioners.**
  - b) **The Board of Commissioners will review the recommendations in a public hearing but will not take further testimony unless the record is reopened in which a new public hearing will be scheduled.**
  - c) **Planning Staff will provide a report to the Board of Commissioners at which time Planning Staff may suggest modifications.**

d) **After reviewing the record, recommendations and staff's report the Board of Commissioner may:**

- (1) **Accept the recommendation**
- (2) **Accept the recommendation with modification.**
- (3) **Reject the recommendation and send it back to the hearings officer for new findings.**
- (4) **Reject the recommendation and instruct County Counsel to consult with Planning Staff to make new findings.**