

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

SUBTITLE 3 — POLICIES

POLICY 6

ACTION ON CERTAIN LICENSE APPLICATIONS

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6.010 Background

(A) Frequently, persons who are applying for a license from a governmental agency, other than Linn County, are required to obtain a written recommendation from Linn County as a part of the application process. Examples of such license applicants are licensees of the Oregon Liquor Control Commission for taverns, lounges, or retail beer or wine sales; the State Motor Vehicle Division for wrecking yard licenses or towing licenses, and perhaps others.

(B) Linn County has adopted an ordinance governing the procedure to be followed for OLCC license applicants, as well as a procedure adopted

by ordinance for the Linn County issued second hand dealers license.

(C) Lack of a written procedure as to other kinds of license applications, such as auto wrecking, has resulted, in the past, in a license applicant being given a favorable recommendation by the County in error. That can result in potential County liability, confusion to applicants, and delay in properly processing such applications.

[Adopted 86-502 eff 9/3/86; amd 89-068 eff 2/1/89; amd 05-099 eff 3/8/05]

6.100 Policy statement

(A) It is the policy of Linn County to adopt and implement a written procedure to allow it to review and make recommendations on permits or licences issued by other government agencies.

(B) It is the policy of the County to apply the procedure adopted in this Policy entitled “Action on Certain License Applications” when an application for a license from a governmental entity other than Linn County requires a recommendation of the governing body of Linn County, if no procedure is provided by Linn County ordinance.

[Adopted 86-502 eff 9/3/86; amd 89-068 eff 2/1/89; amd 05-099 eff 3/8/05]

6.200 Implementation of policy

(A) *Initial administrative procedures*

(1) A copy of this policy shall be provided to each applicant, upon request.

(2) The application will be received at the office of the Board of Commissioners, and the fact of its receipt, and the time and day of receipt shall be noted in an appropriate record book (the “record book”).

(3) Not later than one (1) working day after receiving the application, copies of the application and a license application review form (Exhibit A hereto) will be sent to the following reviewing officials: the directors of the Planning and Health departments, the Roadmaster, and to the Sheriff. A copy shall be sent to County Counsel by any reviewing official having a legal question pertaining to the application. If it is apparent that any other office or department may have an interest in the subject matter, a copy of the application and of the license application review form shall also be sent to that office or department. The date of sending such copies will be noted in the record book, and a notation of any additional offices or departments involved.

(B) *Application review process.* Within seven (7) working days of sending the copy of application and license application review form, each reviewing official being sent a copy will either return the completed license application review form to the Board of Commissioners, or make a written request for additional time, giving reasons for the need for additional time.

(C) *Board action on the application*

(1) *On receipt of favorable recommendations.* No later than the end of the tenth working day after receiving the application, if no reviewing official has requested additional time or made a recommendation adverse to the applicant, the application shall be set on the agenda in a regularly and duly advertized public meeting for Board action. When at least two Commissioners have resolved the matter by vote, by delegation the chair may sign the application. After the application is signed, it shall be returned to the applicant, or if appropriate, directly to the governmental entity involved.

(2) *On receipt of adverse recommendations.* If any recommendation made by a reviewing official is adverse to the applicant, the Board of Commissioners shall advise the applicant of the following, by letter sent by first class mail to the

applicant at the address given in the license application, or such other address specified by the applicant:

- (a) the particulars of the adverse recommendation(s), by sending copy(s);
- (b) of the procedures to be followed, by sending a copy of this Policy;
- (c) of the final date for requesting a formal hearing;
- (d) of the date for action by the Board of Commissioners if no formal hearing is requested.

(3) *Public hearings on adverse recommendations.*

(a) If the license applicant and the objecting reviewing official do not resolve the reasons for the adverse recommendation, upon request of the license applicant to the Board of Commissioners, the matter shall be set for hearing at the next available Board of Commissioners meeting, and the Board of Commissioners shall give the applicant notice of the time and place of hearing.

(b) In any hearing pursuant to this paragraph, any reviewing official making an adverse recommendation shall have the burden of presenting evidence supporting its recommendation.

(c) The applicant shall be entitled to present any evidence explaining or rebutting the reviewing official's evidence.

(d) The Board of Commissioners shall render a decision at the time of the hearing, or at such later time as may be set by the Board, but no later than thirty (30) days thereafter.

(4) *Board action if no hearing requested.* If the applicant has not requested a hearing within fourteen (14) days after mailing of the letter of advice of an adverse recommendation, the matter shall be put on the Board of Commissioners work session and meeting, when the Board may act to approve or deny the application.

(D) *Appeal of Board action* An adverse recommendation by the Board of Commissioners may be appealed pursuant to ORS 34.010 to 34.100, by Writ of Review to the Circuit Court.

(E) *Board records*. Each notice or action by the office of the Board of Commissioners provided for by this policy shall be noted in the record book.

[Adopted 86-502 eff 9/3/86; amd 89-068 eff 2/1/89; amd 05-099 eff 3/8/05]

References and Authorities:

Legislative History of Policy 6:

Adopted 86-502 eff 9/3/86

Amendments to 86-502:

#1 89-068 eff 2/1/89

#2 05-099 eff 3/8/05



Exhibit A

LINN COUNTY BOARD OF COMMISSIONERS

ROGER NYQUIST
Commissioner

WILL TUCKER
Commissioner

JOHN K. LINDSEY
Commissioner

Linn County Courthouse
P.O. Box 100, Albany, Oregon 97321
(541) 967-3825 FAX: (541) 926-8228

RALPH E. WYATT
Administrative Officer

WRECKING LICENSE APPLICATION REVIEW FORM

DATE:

TO: Environmental Health
Planning Director
Roadmaster
Sheriff

VIA FAX
Sheriff's Office
967-8169

FROM: Marsha Meyer

Please review the attached application for a license or license renewal for (name of **owner**), (name of **business** and **address**), and note your recommendation in the space provided below.

DATE APPLICATION RECEIVED BY BOARD OF COMMISSIONERS: _____

DATE APPLICATION SENT TO DEPARTMENT: _____

DATE APPLICATION TO BE RETURNED TO BOARD OF COMMISSIONERS: _____*

DATE RETURNED TO BOARD OF COMMISSIONERS: _____

NAME OF PERSON COMPLETING THIS FORM: _____

COMMENTS/RECOMMENDATIONS: (Attach a separate page if additional space is needed).

***RETURN WITHIN SEVEN (7) WORKING DAYS UNLESS ADDITIONAL TIME HAS BEEN REQUESTED.**