ARTICLE 11. ADMINISTRATIVE PROVISIONS

SECTION 11.010 ADMINISTRATION

The County Planning Director shall have the power and the duty to enforce the provisions of this ordinance.
SECTION 11.020 – APPLICATION PROCEDURES

Pre-Application Conference

The purpose of a pre-application conference is to familiarize the applicant with the provisions of this Ordinance and other land use laws and regulations applicable to the proposed development. Any potential applicant may request a pre-application conference by filing a written request along with the applicable fee to the Planning Department. The written request should identify the development proposal, provide a description of the character, location, and magnitude of the proposed development and include any other supporting documents such as maps, drawings, or models. Agencies and persons with an interest in the proposed development may be notified of the conference and be invited to attend or provide written comments on the proposal when deemed appropriate by the Planning Director.
SECTION 11.030  APPLICATION REQUIREMENTS

A. Applications for development or land use action shall be submitted on forms prescribed by the County, shall include sufficient information and evidence necessary to demonstrate compliance with applicable criteria and standards of this Ordinance and other requirements of law, and be accompanied by the appropriate filing fee. An application shall not be considered to have been submitted until all application fees have been paid.

B. Applications shall be submitted by the property owner, a purchaser under a recorded land sale contract, or by a condemner who has been granted immediate possession by a court of competent jurisdiction. For the purposes of this section, the term "property owner" shall mean the owner of record, including a contract purchaser, but does not include a person who holds a security interest.

C. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. Public or private agencies or entities must provide authorization pursuant to statute, ordinance, or the bylaws or resolution of the entity’s governing body.
SECTION 11.040  APPLICATION COMPLETENESS

A. An application will not be acted upon until it has been deemed complete by the Planning Director. In order to be deemed complete, the application must comply with the requirements of Section 11.040, and all applicable criteria or standards must be adequately addressed in the application.

B. Within 30 days of the date an application is filed, the Planning Department will notify the applicant in writing, specifying any additional information that is required to make the application complete. The application shall be deemed complete upon receipt of:

1. All of the missing information; or

2. Some of the missing information and written notice from the applicant that no other information will be provided; or

3. Written notice from the applicant that none of the missing information will be provided.

C. If the application was complete when first submitted or the applicant submits additional information as described in subsection (B) within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

D. When an applicant fails to submit the requested information without refusing in writing to do so as described in subsection (B), the application shall be void on the 181st day after the application was filed.

E. Acceptance of an application does not waive further requests for information at a later time to provide additional necessary information or technical data to show compliance with applicable county or state standards. The burden of proving compliance with all applicable criteria remains with the applicant throughout the permitting process.
SECTION 11.050    EXISTING VIOLATIONS ON THE PROPERTY

Whenever a violation of federal, state or local law exists on the subject property, the County shall either refuse to accept, or later may reject, or deny any application for building or land use permits unless the property is brought into compliance with the law or the application will remedy the violation.
SECTION 11.060 CONSOLIDATED APPLICATIONS

A. Applications for more than one land use decision on the same property may be submitted together for concurrent review. If the applications involve different review processes, they will be heard and decided under the higher review procedure. For example, combined applications involving an administrative review and a conditional use will be reviewed and decided by the Planning Commission.

B. Applications that are paired with a Comprehensive Plan Map or Zoning Map amendment shall be contingent upon final approval of the amendment by the Board of Commissioners. If the Board denies the amendment, then any other application submitted concurrently and dependent upon it shall also be denied.
SECTION 11.070    DECISION PROCESS

Decision Time-frames
A. Legislative decisions are not subject to the time-frames in this section.

B. For applications concerning lands located within an urban growth boundary and applications for mineral or aggregate extraction, final action shall be taken within 120 days after the application is deemed complete.

C. For applications concerning private activities on federal lands, if a decision is not rendered within 60 days of receipt of the application, the application shall be considered approved.

D. For all other applications submitted under this Ordinance the County will take final action within 150 days after the application is deemed complete.

E. These time-frames may be extended for a specified period upon written request by the applicant. The total of all extensions may not exceed 215 days.

F. Time periods specified in this Section shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the County is not open for business, in which case it shall also be excluded.

G. Land use permits shall be effective when a final written decision is rendered by the Board of Commissioners, or the deadline for appeal of a lower decision has expired without an appeal being filed.

Findings Required

A. Approval or denial of an application shall be in writing, based upon compliance with the criteria and standards relevant to the decision, and include a statement of the findings of fact and conclusions related to the criteria relied upon in rendering the decision.

Burden of Proof

A. The burden of proof in showing that an application complies with all applicable criteria and standards lies with the applicant.
SECTION 11.080 APPROVAL OR DENIAL OF APPLICATION

Approval or denial of an application for a use permitted by this ordinance shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.
SECTION 11.090  ADMINISTRATIVE REVIEW

Except for the specific types of applications reserved to the Planning Commission as set forth in Section 11.100, all applications shall be subject to Administrative Review and decision. Applications subject to Administrative Review will be reviewed by the Planning Director, who shall make a tentative decision without a public hearing except as otherwise specified in this section. Uses subject to Administrative Review will be reviewed according to the following procedures:

A. If the property is within an area covered by a Community Planning Advisory Committee (CPAC) appointed by the Board of Commissioners, notice of the application shall be sent to the Committee for comments and a recommendation on the application. At the option of the Planning Director, notice of an accepted application may also be sent to surrounding property owners or to any agency or jurisdiction that may be affected by the proposed land use activity. The notice shall state that the County has accepted an application, describe the nature of the proposed land use activity, and state that comments may be made in writing on the application within 15 days from the date the notice was mailed.

B. After preliminary review of the application, and taking into consideration any comments received, if the Planning Director feels the proposed use may warrant a public hearing because of its size, scope, nature, potential impacts or other factors, the Director may refer the application directly to the Planning Commission for a public hearing in accordance with the procedures in Section 11.090 rather than process the application administratively.

C. Applications reviewed administratively shall be approved, approved with conditions, or denied by the Planning Director in writing.

D. Notice of the administrative decision will be sent to all parties entitled to notice of the decision according to law, and to any party who submitted written comments on the application.

E. The administrative decision may be appealed to the Planning Commission within 15 days of the date the Notice of Decision was mailed, in accordance with the provisions of Section 11.160.
SECTION 11.100 PLANNING COMMISSION REVIEW

A. The Planning Commission shall have primary review authority for the following application types:

1. Conditional uses
2. Zoning Map amendments
3. Text amendments to the Zoning Ordinance
4. Appeals of Administrative Decisions
5. Other applications forwarded by the Planning Director in accordance with the procedure in Section 11.090.

B. If the property is within an area covered by a Community Planning Advisory Committee (CPAC) appointed by the Board of Commissioners, notice of the application shall be sent to the Committee for comments and a recommendation on the application.

C. The Planning Commission will hold a de novo public hearing to consider the application. Notice of the hearing will be provided in accordance with the requirements of Section 11.140.

D. A written staff report will be available at least seven days prior to the Planning Commission hearing. The report will be mailed to the applicant, and, in the case of an appeal, to the appellant. The staff report will be available for review at the Planning Department offices at the same time, and copies will be provided at reasonable cost.

E. In the case of conditional use applications, except an application for a destination resort, and appeals, the Planning Commission will approve, approve with conditions, or deny the application in a written decision. The decision will be sent to all parties who participated either orally or in writing at the administrative or Planning Commission level. The Planning Commission decision may be appealed to the Board of Commissioners in accordance with the requirements of Section 11.170.

F. In the case of applications for a Zoning Map or Zoning Ordinance text amendment or destination resort, the Planning Commission will make a written recommendation to the Board of Commissioners to approve or deny the application.
SECTION 11.110  BOARD OF COMMISSIONERS REVIEW

A. The Board of Commissioners will hold a public hearing to review all Planning Commission recommendations concerning a Zoning Map or Zoning Ordinance text amendment. These hearings shall be de novo. The Board decision will be the final County decision.

B. Upon receiving an appeal of any other type of Planning Commission decision, the Board will determine whether to accept the appeal in accordance with the provisions of Section 11.070. Upon acceptance of an appeal, the Board shall establish the scope of the hearing, in accordance with one of the following:

1. Review of the record before the Planning Commission. Only the evidence, data and written testimony submitted prior to the close of the record at the Planning Commission level will be reviewed. No new evidence or testimony related to new evidence will be considered, and no public hearing will be held.

2. Limited evidentiary hearing. Only specific issues, criteria or conditions specifically identified by the Board will be considered. New testimony and evidence must be related to these specified issues, criteria or conditions in order to be accepted and considered by the Board.

3. Full de novo hearing. New issues may be raised and new testimony, arguments and evidence may be accepted and considered by the Board.

C. Notice of the record review or hearing shall be mailed to all parties who participated at the administrative or Planning Commission level, in accordance with the requirements of Section 11.140. In the case of an appeal hearing, the Notice shall specify any limitations on the scope of the hearing as determined by the Board pursuant to subsection (B) above.

D. Written notice of the decision shall be mailed to all parties who participated at the Board level or at an earlier proceeding on the application. An appeal of the Board’s decision must be to the state Land Use Board of Appeals (LUBA).
SECTION 11.120 CALL-UP OF ADMINISTRATIVE DECISION

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. Upon call-up, the lower decision will be processed like an appeal, but the burden of proof shall remain with the applicant.
SECTION 11.130 FORM OF PETITIONS, APPLICATIONS AND APPEALS

Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the County. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; and such other information as is needed to determine conformance with the ordinance.

A. **All applications required by this and other County Planning ordinances for a specific land use action may be consolidated in a single permit processing procedure, including the public hearing, notice and Commission action requirements:**

   **Examples:** A single land use action requiring a zone change and conditional use, a conditional use and dimensional variance, or a conditional use and partitioning.

B. **Development/Zoning Permit.** Prior to the construction, addition to or change of use of a structure, or the change of use of a lot, a Development/Zoning Permit shall be obtained from the County Planning Department. A Development/Zoning Permit shall be void after one year from the date of issuance unless construction or use has commenced. A Development/Zoning Permit may be extended for an additional period not to exceed one year upon written request prior to the expiration of the original permit. Development/Zoning Permits shall be issued by the County Planning Director or other designated County representative only in accordance with the provisions of this ordinance.

1. Approval or denial of a permit application shall be based on standards and criteria set forth in this ordinance and other appropriate ordinances and regulations of the County.

2. Approval or denial of a permit shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, and facts set forth.

3. Written notice of the approval or denial shall be given to all parties to the proceedings.

4. No Development/Zoning Permit shall be approved and issued unless the following criteria are met:

   a. The proposed use is either permitted as an “Outright Use” or as a “Use Permitted with a Development/Zoning Permit” in the applicable zone;

   b. The minimum lot size standards and other dimensional standards of the applicable zone are met;

   c. Access is guaranteed to the subject property and use;

   d. Required sewage disposal approval is evident, as is compliance with other environmental permit requirements.

   e. Public facilities and services deemed necessary are available including, but not limited to, schools, electrical power, telephone, fire protection and solid waste disposal.

   f. All other applicable local, State or Federal permit approvals are evident.

C. **Incomplete Applications**
1. If an application for a permit or zone change is incomplete, the Planning Director shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information within 30 days of the notice of incomplete information.

2. If the applicant submits the missing information within the 30-day period, the application shall be deemed complete for the purpose of Section 11.040 of this ordinance.

3. If the applicant does not submit the missing information within the 30-day period, the application shall be deemed incomplete on the 31st day after the Planning Director notified the applicant of incomplete information.

D. **Wetlands Notice.** The Planning Director shall provide notice to the Division of State Lands, the applicant and the owner of record within five (5) working days of the acceptance of any complete application for the following that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory:

1. Subdivisions;

2. Building permits for new structures;

3. Other zoning permits and allow physical alternation of the land involving excavation and grading, including permits for removal or fill, or both, or development in the floodplain and floodways;

4. Planned unit development.

E. **Permit Conditions.** Any land development decision resulting from a review required by the Land Development Code, may be subject to the imposition of permit conditions. These permit conditions are those determined to be reasonably necessary to ensure compliance with the intent of the Land Development Code and the Comprehensive Plan.

1. The Director shall require as a condition of approval of a use limited or prohibited within an SR zone, that the owner of property seeking approval of that use first sign and record in the deed records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from mining within the SR zone.
SECTION 11.140   PUBLIC NOTICE

A. Each notice of hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the County at least 10 days prior to the date of hearing.

B. In addition to the notice required under Subsection A of this section, notice of Conditional Use, Appeal Variance, or an Amendment to the Zoning Map shall be provided as follows:

1. To the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located:
   a. Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
   b. Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within the Exclusive Farm Use Zone;
   c. Within 500 feet of the property which is the subject of the notice where the subject property is within the Exclusive Farm Use Zone.

2. To the owner of an airport defined by the Oregon Department of Transportation as a “public use airport” if:
   a. The name and address of the airport owner has been provided by the Aeronautics Division of the Department of Transportation to the County Planning Authority; and
   b. The property subject to the hearing is:
      (1) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Transportation to be a “visual airport”; or
      (2) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Transportation to be an “instrument airport.”

C. Notice to Affected Agencies

1. Gilliam County will provide timely notice to Oregon Department of Transportation regarding any land use action on or adjacent to a State transportation facility. Information that should be conveyed to reviewers includes:
   a. Project location.
   b. Proposed land use action.
   c. Location of project access point(s).

2. Additional information which may be supplied to Oregon Department of Transportation upon request includes:
a. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;

b. Number and direction of lanes to be constructed on the driveway, plus striping plans;

c. All planned transportation features (lanes, signals, bikeways, walkways, crosswalks, etc.);

d. Trip generation data or appropriate traffic studies;

e. Parking and internal circulation plans for vehicles and pedestrians;

f. Plat map showing property lines, right-of-way, and ownership of abutting properties; and

g. A detailed description of any requested variance.

D. The notice provided by the jurisdiction shall:

1. Explain the nature of the application and the proposed use or uses which could be authorized;

2. List the applicable criteria from the ordinance and the plan that applies to the application at issue;

3. Set forth the street address or other easily understood geographical reference to the subject property;

4. State the date, time and location of the hearing;

5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;

6. Be mailed at least 20 days before the hearing;

7. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;

8. State 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 reasonable cost;

9. State 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 cost;

10. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

E. All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public at the time notice provided in Subsection C of this section.

F. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If new documents or evidence is provided in support of the application after the time notice provided in
Subsection C of this section, any party shall be entitled to a continuance of the hearing. Such continuance shall not be subject to the limitations of Section 11.170.

G. **At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:**

1. Lists the applicable substantive criteria;

2. States that testimony and evidence must be directed toward the criteria described in Paragraph 1 of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and

3. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issues precludes appeal to the board based on that issue.

H. **Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.** Such an extension shall not be subject to the 120-day limitation of Section 11.170 of this ordinance.

I. **The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings** if the local government can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.
A decision to grant an extension of the approval period to initiate development or complete the requirements of a land use approval is an Administrative Decision. Notice of the decision to grant the extension will be provided in accordance with the requirements of Section 11.140. Notice of the extension shall also be mailed to any other parties who participated in the original land use decision.
SECTION 11.160 CONDITIONS OF APPROVAL

A. Conditions May be Imposed. Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, the Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

B. Modification of Conditions. At an applicant’s request, the review authority which made the decision on the application may modify or amend one or more conditions of approval. The request shall be processed as a separate land use application with proper notice and hearing, and be subject to a separate fee.

C. Compliance with Conditions. An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions in Section 11.200.
SECTION 11.170  SEWAGE DISPOSAL APPROVAL

No Zoning Permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system.
SECTION 11.180 APPEALS

A person may appeal to the County Court from a decision or requirement made by the Planning Commission for a decision or requirement made pursuant to this ordinance by the Planning Director or other County officials, if the person:

A. Filed a notice of intent to appeal the decision as provided in Subsection D of this section;

B. Appeared or participated in the proceedings leading to the decision orally or in writing; and

C. Meets one of the following criteria:

1. Was entitled as right to notice and hearing prior to the decision to be reviewed;

2. Was a person who would have had a right to notice if the hearing had been scheduled; or

3. Is aggrieved or has interests adversely affected by the decision.

D. Written notice of the appeal must be filed with the County within 10 days from the date the decision or requirement is mailed or delivered to the parties:

1. The facts that establish that the petitioner has standard;

2. The date of the decision; and

3. The issues the petitioner seeks to have reviewed.

E. When an appeal of a Planning Commission decision is filed, the Board of Commissioners shall determine whether to accept review of the appeal, or to decline to consider the appeal.

F. The County Planning Commission may review a lower decision upon its own motion provided the motion is made within 15 days of the lower decision.

G. An appeal or review proceeding shall be based upon, but not limited to, the record of the decision being appealed or reviewed.

H. Following the hearing, the County Court or Commission may overrule or modify any decision or requirement and shall set forth findings for such decision.

I. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this ordinance.
SECTION 11.190 FINAL ACTION REQUIRED WITHIN 120 DAYS

Except as otherwise provided for by Subsections (3) and (4) of ORS 215.428, the County or its designate shall take final action on an application for a permit or Zone Change, including resolution of all appeals under ORS 215.422 and this ordinance, within 120 days after the application is deemed complete.
SECTION 11.200 REVOCATION

The Commission may revoke or modify any permit granted under the provisions of this ordinance on any one or more of the following grounds:

A. A permit may be revoked on the basis of fraud, concealment, or misrepresentation by the applicant.

B. A permit may be revoked on the basis that the use for which such permit was granted is not being exercised within the time limit set forth by the Commission or this ordinance.

C. A permit may be revoked or modified on the basis that the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, code, resolution, law or regulations.

D. A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare.

E. Any permit granted pursuant to this ordinance shall become null and void if not exercised within the time period specified in such permit, or if no time period is specified in the permit, within one year from the date of approval of said permit.

F. The Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in this ordinance. The Commission shall render its decision within 45 days after the conclusion of the hearing. In the case where the permittee is not satisfied with the action of the Commission, he may appeal the Commission’s decision to the County Court in the manner provided in Section 11.170 of this ordinance.

G. Impact on public facilities exceeds original estimates.
SECTION 11.210 VIOLATION OF STANDARDS IN AN EXCLUSIVE FARM USE ZONE

A. A person engaged in farm or forest practices on lands devoted to farm or forest use may file a complaint with the Commission alleging:

1. That a condition imposed pursuant to Subsection 7.020.Q of this ordinance has been violated;

2. That the violation has:
   a. Forced a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
   b. Significantly increased the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
   c. That the complainant is adversely affected by the violation.

B. Upon receipt of a complaint, the Planning Director shall:

1. Forward the complaint to the operator of the use alleged to be in violation;

2. Schedule a hearing before the Commission to review the complaint. The public hearing shall be held pursuant to Ordinance 87-3. The Commission shall determine whether the allegations are true.

C. Upon a determination by the Commission that the allegations of the complaint are true, the Commission shall direct the violator to correct the conditions that led to the violation within a specified time period.

D. The Planning Director shall notify the operator of the use of the Commission’s decision. If the Commission has determined that the allegations of the complaint are true, the Planning Director shall also warn the violator not to commit further violations and inform the violator of possible future punitive sanctions.

E. The Commission shall assess a fine if it determines either of the following:

1. The conditions that led to a violation are not corrected within the time period specified pursuant to Subsection C of this section; or

2. If there is a determination pursuant to Subsection C of this section following the receipt of a second complaint about a use that a further violation has occurred.

F. The Commission shall order suspension of the violating use until the operator of the use corrects the conditions that led to the violation, if it determines either of the following:

1. The conditions that led to a violation are not corrected within 30 days after the imposition of a fine pursuant to Subsection E of this section; or
2. There is a determination pursuant to Subsection C of this section following the receipt of a third or subsequent complaint that a further violation has occurred.

G. If a Type I or Type II Conditional Use is initiated without prior approval pursuant to Subsection A of this section, the Planning Director shall notify the user that prior approval is required, direct the user to apply for approval within 21 days and warn the user against committing further violations. If the user does not apply for approval within 21 days, the local governing body or its designee shall order the suspension of the use until the user applies for and receives approval.

H. If there is a determination pursuant to Subsection C of this section following the receipt of a complaint that a further violation occurred after approval was granted under Subsection G of this section, the violation shall be deemed a second violation and the Commission shall assess a fine against the violator.

I. The Commission shall order suspension of the violating use until the operator of the use corrects the conditions that led to the violation, if it determines either of the following:

1. The conditions that led to a violation are not corrected within 30 days after the imposition of a fine pursuant to Subsection E of this section; or

2. There is a determination pursuant to Subsection C of this section following the receipt of a third or subsequent complaint that a further violation has occurred.

J. If a Type I or Type II Conditional Use is initiated without prior approval pursuant to Subsection A of this section, the Planning Director shall notify the user that prior approval is required, direct the user to apply for approval within 21 days and warn the user against committing further violations. If the user does not apply for approval within 21 days, the local governing body or its designee shall order the suspension of the use until the user applies for and receives approval.

K. If there is a determination pursuant to Subsection C of this section following the receipt of a complaint that a further violation occurred after approval was granted under Subsection G of this section, the violation shall be deemed a second violation and the Commission shall assess a fine against the violator.