**RESOLUTION NO. \_\_\_\_\_\_**

 **A RESOLUTION ESTABLISHING GUIDELINES AND PROCEDURES**

 **FOR SPECIFIC USE PERMIT APPLICATIONS AND HEARINGS**

WHEREAS, effective November 1, 2003, the Legislature of the State of Oklahoma approved Title 11, Section 43-113 of the Oklahoma Statutes, allowing municipalities the authority to regulate land use by the issuance of “Specific Use Permits,” and established guidelines for the issuance of said permits;

WHEREAS, the Mannford Town Board adopted Ordinance No. 2018-03 at a meeting of the Town Board on September 10, 2018;

WHEREAS, guidelines and procedures for implementation of the Specific Use Permit process is in the best interest of the residents of the City of Mannford;

THEREFORE, be it resolved by the Town Board of the City of Mannford as follows:

1. The attached application is hereby adopted as the application the City shall use for all Specific Use Permits filed with the City.

2. All applications for Specific Use Permits shall initially be submitted to the Town Administrator; the Town Administrator shall have the authority to determine whether the proposed use requires a Specific Use Permit.

3. The Town Administrator shall submit to the Mannford Planning Commission, at the first available meeting following receipt and review, the following recommendations:

a. The names of outside consultants, if any, needed to review and evaluate the application;

b. The types of studies, engineering reports, environmental studies, appraisals or other reports needed to fully evaluate the application;

c. A proposed timetable for evaluation of the application;

d. The performance standards that should be considered in approval or denial of the application.

5. The Mannford Planning Commission, upon receipt of the above recommendations, shall:

a. Adopt a timetable for the processing of the application;

b. Determine the dates of any and all public hearings that may be needed for the application;

c. Schedule a date in which a hearing shall be held to consider the application;

d. Establish the amount of notice, if any, beyond the 300 foot radius of the exterior boundary of the subject property;

e. Forward to the Town Board its recommendations on these issues.

6. At the hearing to consider the application, the Mannford Planning Commission shall proceed as follows:

a. The chairman shall preside over the hearing;

b. At the hearing, the applicant for the proposed use shall be allowed the opportunity to appear and present evidence, personally or by representative, and to otherwise provide argument in support of the proposed use, including the right to respond to opposing evidence or argument through cross examination of opposing witnesses or otherwise;

c. At the conclusion of the applicants evidence, other witnesses who are unconnected with the applicant may appear to present evidence or argument to the positions asserted by other witnesses. To expedite this process, the Planning Commission shall provide an opportunity for the persons or entities desiring to participate in the hearing process to be identified at the start of this hearing. The Planning Commission members shall serve as hearing officers and shall not be subject to examination or cross examination by the applicant, counsel, witnesses or individuals submitting evidence at the hearing;

d. The proceedings may be electronically recorded in accordance with the Oklahoma Open Meetings Act and made available in accordance with the requirements of the Oklahoma Open Records Act. Should the applicant, the protestant or other participant require transcription, either through clerical transcription or by licensed court reporter, the cost of such transcription shall be paid by the requesting party;

e. Copies of documentary evidence proposed to be used by the applicant, by City staff or by protestants and which evidence is in the possession of the City, shall be exchanged with the applicant and protestants who identify themselves at least two (2) business days prior to the hearing. In the event additional documentary evidence is offered at the hearing, and in the interest of justice requires admission of such evidence, the Planning Commission may grant a recess or otherwise continue the hearing to a date certain in order to allow a response, subject to the right of the opponent of such evidence to waive this right of delay;

f. At the conclusion of the evidence, the Planning Commission shall deliberate and announce its findings of fact and conclusions of law, upon motion and second, as determined by a majority vote of the total membership. If additional information is deemed necessary, the Planning Commission shall continue the hearing to a date certain to obtain additional information or for additional deliberation. The City staff shall prepare a written determination of all findings of fact and conclusions of law, which will thereafter be formally submitted for consideration by the Planning Commission. In reaching its decision, the Planning Commission shall consider the following factors, as required by state law and ordinance:

i. The probable effect of the proposed use on the adjacent properties;

ii. The community welfare as affected by the proposed use;

iii. The impact of the proposed use on public facilities, including but not limited to parks, roads and utilities;

iv. The safeguards that can be imposed, if any, to diminish the effect on the adjacent properties, community welfare or public services.

g. Any party affected by the decision of the Planning Commission, upon payment of a filing fee in the amount of $100.00 and the filing of the appeal within the time limits specified by ordinance, may appeal to the Town Board the decision of the Planning Commission;

h. The Town Board shall review the findings of fact, conclusions of law, evidence presented to the Planning Commission, and such other materials it deems necessary, and vote to: (a) uphold the Planning Commission decision; (b) reverse the Planning Commission decision; or (c) remand to the Planning Commission for reconsideration.

1. A fee in the amount of $250.00 shall be assessed for any SUP application, together with any actual publication or notice costs.

PASSED AND APPROVED at a regular meeting of the Town Board of Mannford, Oklahoma, held the \_\_\_\_\_\_ day of November, 2018.

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Tyler Buttram, Mayor

ATTEST:

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City Clerk

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City Attorney