

TO: City Council for January 16, 2018, Council Meeting
FROM: Paul Bilotta, Community Development Director *Paul Bilotta*
DATE: January 5, 2018
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Land Development Code Chapter 2.0 Text Amendments (LDT16-00002) – Adoption of Ordinance



Action Requested:

Staff recommends the City Council review the draft Notice of Disposition and Ordinance, including Formal Findings and Conclusions, related to Council’s tentative approval of text amendments affecting Land Development Code (LDC) Chapter 2.0 and other chapters, related to applicant/neighborhood meetings for certain land use applications.

Discussion:

On January 2, 2018, the City Council conducted a public hearing, deliberated, and voted to approve text amendments affecting LDC Chapter 2.0 and other chapters, subject to the adoption of Formal Findings and an Ordinance. The attached strike-through version of the modifications (**Attachment CC-A**) and a clean-copy version (**Exhibit A of Attachment CC-B**) reflect the modifications approved by the City Council. Formal Findings are included within the text of the ordinance.

Recommendation:

Staff recommends the City Council adopt the enclosed Ordinance, including Formal Findings, for the Land Development Code Chapter 2.0 Text Amendment proposal (LDT16-00002).

Budget Impact:

None.

Attachments:

- Attachment CC-A – Strike-through version of the approved LDC Amendments
- Attachment CC-B – An Ordinance relating to amending Land Development Code Chapter 2.0, “Public Hearings” and other chapters with references to Chapter 2.0 (including Exhibit A: Clean Copy of approved LDC amendments)
- Attachment CC-C – Draft Notice of Disposition (excluding Exhibit A)

CHAPTER 2.0

PUBLIC HEARINGS PUBLIC INVOLVEMENT

Section 2.0.10 - BACKGROUND

This chapter describes public involvement in the land-use process. The following procedures establish neighborhood meeting requirements, notice requirements, and the conduct of legislative and quasi-judicial public hearings required by the provisions of this Code. Where this Code and a provision of state law address the same subject, the requirement of state law shall take precedence.

Section 2.0.20 - PURPOSES

- a.** Provide an avenue for the public to be involved early on in the land-use process through Applicant Neighborhood Meetings; and
- b.** Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and
- c.** Provide clear and consistent rules to ensure that the legal rights of individual property owners and the general public are protected.

Section 2.0.25 – APPLICANT NEIGHBORHOOD MEETINGS

The purpose of an applicant neighborhood meeting is to ensure that applicants pursue early and effective public participation by providing a convenient forum to engage community members in the development process. These meetings are intended to describe the proposal in detail; answer questions; identify issues; opportunities; or concerns; and solicit feedback from the community.

- a.** The applicant shall hold an applicant neighborhood meeting prior to submittal of the following types of land-use applications:
 - 1. Annexations
 - 2. Comprehensive Plan Amendments
 - 3. Zone Changes
 - 4. Major Lot Development Options
 - 5. Subdivisions of 10 or more lots
 - 6. Conditional Development Permits
 - 7. Planned Developments; limited to

- a) Conceptual Development Plans,
- b) Detailed Development Plans,
- c) Major Planned Development Modifications, and
- d) Planned Development Nullifications per Section 2.5.80.b

8. Major Neighborhood Center Master Site Plans

- b. The procedures for Applicant Neighborhood Meetings shall be in accordance with the current application requirements on file with the Community Development Department.

Section 2.0.30 - DETERMINATION OF HEARING TYPE

Within seven days from the date of the Director's request for a hearing, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. The decision shall be based upon consideration of applicable state regulations and relevant court decisions.

Section 2.0.40 - LEGISLATIVE HEARINGS

2.0.40.01 - Notice

- a. **Notice Published in Newspaper** - Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing and shall contain the following information:
 - 1. Terms of, or a statement of, the proposed public action;
 - 2. Department of the City from which additional information can be obtained; and
 - 3. Time, place, date, and methods for presentation of views by interested persons.
- b. **Notice Requirements Pursuant to ORS 227.175** - Notice shall be provided to property owners affected by legislative land use actions in the following manner:
 - 1. Notice Recipients - The statutory notices required by Oregon Revised Statute 227.175, as amended over time, shall be provided in addition to any other notice required by the Code. These notices include:

- a) Notice to all owners of property that will be re-zoned to comply with a proposed legislative amendment to the Comprehensive Plan, when the proposed legislative amendment is not required as part of Periodic Review;
 - b) Notice to all owners of property that will be re-zoned as a result of a proposed ordinance;
 - c) Notice to all owners of property that will be affected by a text amendment that limits or prohibits uses permitted by that zone, when the proposed amendment is not required as part of Periodic Review; and
 - d) Notice to all owners of property that will be re-zoned as the result of a proposed amendment to the Comprehensive Plan or Zoning Ordinance that is a component of the Periodic Review process.
2. Timing of Notices - Notices under "1.a," "1.b," and "1.c," above, shall be sent within 20 to 40 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment. Notices under "1.d," above, shall be sent 30 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment.
 3. Re-zoning Defined - Notices under this policy are required only if the legislation will require a change to the development zone of the property affected or if the legislation limits or prohibits land uses previously allowed in the affected zone. In cases where zoning standards are changed, such as setback changes, landscaping requirements, etc., a determination shall be made regarding whether the change would limit or prohibit land uses previously allowed. In cases where a previously allowed use would be limited or prohibited, notice is required.
 4. Re-notification Required - If, during the legislative land use action for which notices have been provided in accordance with ORS 227.175, as amended over time, the hearing authority has re-zoned property not previously noticed, or further limited or prohibited uses not previously identified, then re-notification shall occur in accordance with these provisions.
- c. Source of Information for Mailed Notification** - The County Assessor's Office most recent property tax assessment roll shall be used for mailed notification. Failure of property owners to receive notice shall not

invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.

2.0.40.02 - Submission of Written Testimony

Any person may submit written recommendations and comments regarding a public hearing item, copies of which shall be kept on file and made available for public inspection. Time limitations on the acceptance of written testimony shall be determined by the hearing authority.

2.0.40.03 - Order of Proceedings

Components of the Proceedings - The public testimony portion of the proceedings identified in "f," through "h," below, is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

- a. The presiding officer shall state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed toward the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an additional seven days in order to present additional evidence, arguments, or testimony regarding the case. The presiding officer may establish the time allowed for presentation of information.
- b. City staff shall announce what the record contains.
- c. Any objections on jurisdictional grounds shall be noted in the record.
- d. Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest.
- e. City staff shall present reports. Staff may also present additional information when allowed by the presiding officer.
- f. Persons who support the proposed action shall present information or make inquiries.
- g. Persons who oppose the proposed action shall present information or make inquiries.

- h.** Persons who do not necessarily support or oppose the proposed action shall present information or make inquiries.
- i.** At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed, no further information shall be received and, unless the presiding officer has ordered otherwise, no further argument shall be received.
- j.** Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals to the State Land Use Board of Appeals, the appeal period shall be 21 days from the date the decision is signed.

2.0.40.04 - Action by Hearing Authority

- a.** The hearing authority may:
 1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
 2. Continue the public hearing;
 3. Refer the matter to a committee;
 4. Approve the action; or
 5. Deny the action.

Findings of fact in support of any decision shall be required by state law and shall be in the record of proceedings prior to any final action by the hearing authority.

- b.** If a quorum of the hearing authority does not appear for a hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.40.05 - Findings of Fact

The hearing authority shall state findings of fact prior to any final action. These findings include:

- a.** Applicable policies, criteria, and standards against which a proposal was tested;

- b. Statements ensuring the compliance or noncompliance of the proposed actions with each applicable policy, criterion, and standard; and
- c. Reasons supporting a conclusion to approve or deny.

2.0.40.06 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.40.07 - Notice of Disposition

After the order is signed, the Director shall issue a Notice of Disposition that describes the decision of the hearing authority, a reference to findings leading to it, and appeal period deadline. The Notice of Disposition shall be issued to persons who participated in the public hearing orally and/or in writing. The Notice of Disposition shall also be sent to all owners of property proposed for re-designation.

Section 2.0.50 - QUASI-JUDICIAL HEARINGS

Where a quasi-judicial hearing is required by this Code, it shall be conducted in accordance with the procedures set forth below. ~~Applicants of development projects within the City are strongly urged to conduct their own informational meetings in the affected neighborhood.~~ This would typically occur sometime prior to the application's initial submittal. Applicants are also urged to work closely with City staff and are strongly encouraged to attend a pre-application meeting prior to the application's initial submittal.

2.0.50.01 - Acceptance of Application

- a. The Director shall review applications for completeness as soon as possible after they are filed. Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised on information needed to complete the application. The applicant also shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot ensure that required criteria have been met.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.0.50.02 - Processing an Application

Unless ordered otherwise by the hearing authority, the Director shall process applications in the order in which they are filed.

2.0.50.03 - Pre-notification to Neighborhoods and Interested Parties

- a.** Pre-notification is required for applications that require quasi-judicial hearings, with the following exceptions:
 1. HRC-level Historic Preservation Permits
 2. Zone Change to establish or remove a Historic Preservation Overlay
- b.** Pre-notification shall be provided to the following:
 1. Property owners and residents whose property boundaries include or abut the subject property;
 2. Persons on file with the City as representing neighborhood associations whose boundaries are within 100 feet of the subject property; and,
 3. Persons on file with the City as having requested all public notices.
- c.** Pre-notification shall contain the following information:
 1. Nature of the proposed development, and proposed uses that could be authorized;
 2. Address, legal descriptions, or some other means of identifying the subject property;
 3. Probable hearing authority;
 4. Statement that the scope of the application may change between the submittal date and the date the application is deemed complete;
 5. Statement that a public notice will be issued per LDC § 2.0.50.04 once the application has been deemed complete and a public hearing has been scheduled;
 6. Links to locations online where application materials and a flow chart of the application process can be reviewed; and,

7. Name and phone number of a staff member from whom additional information can be obtained.
- d. When pre-notification is required per "a," above, it shall be issued within 30 days of a land use application's submittal, and before the 20-day time period referenced in Section 2.0.50.04.c. It may be issued by mail or electronically.

2.0.50.04 - Public Notice

a. Notice for Quasi-judicial Comprehensive Plan Amendment Applications

Notice of hearings for quasi-judicial Comprehensive Plan Amendment applications shall be as follows:

1. Notice to all owners of property proposed to be re-designated, pursuant to Section 2.0.40.01.b;
2. Notice to all owners of property affected by a text amendment that limits or prohibits uses permitted by the property's land use designation pursuant to Section 2.0.40.01.b; and
3. Notice to applicants (who are not owners of property involved in the quasi-judicial Comprehensive Plan Amendment application) and surrounding property owners shall be consistent with "b," through "g," of this Section.

b. Notice for Quasi-judicial Applications Not Involving Comprehensive Plan Amendments

Notice for hearings for quasi-judicial applications not meeting "a.1," or "a.2," above, shall contain the following information:

1. Date, time and place of the hearing;
2. Nature of the proposed development and the proposed uses that could be authorized;
3. Legal description, address, or tax map designations;
4. Map showing the location of the proposed development;
5. Name and phone number of a staff member from whom additional information can be obtained;

6. Where a zone change or site development plan is involved, the notice shall state that the hearing authority may consider modifications to the applicant's request;
 7. A list of Code and Comprehensive Plan criteria that apply to the decision;
 8. A statement that failure to raise an issue orally or in writing during the hearing, with sufficient specificity to afford the hearing authority an opportunity to respond, will preclude appeal to the State Land Use Board of Appeals on that issue;
 9. A statement that the following are available for inspection and will be duplicated upon request at reasonable cost:
 - a) The application;
 - b) All documents and evidence used by the applicant; and
 - c) Applicable criteria.
 10. A statement that the staff report will be available for review at no cost seven days before the hearing and will be duplicated upon request at reasonable cost; and
 11. A description of the hearing procedure with encouragement for concerned community members to submit testimony orally or in writing.
- c. Notice List** - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:
1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;
 2. Any person who resides on or owns property within 500 ft., including street right-of-way, of a parcel of land proposed for:
 - a) Major Lot Development Option.
 3. Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:

- a) Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;
 - b) Subdivisions and Major Replats (Non-Residential);
 - c) Conditional Development - including Willamette River Greenway Permits;
 - d) Annexation proposals;
 - e) Planned Developments, including:
 - 1) Conceptual and/or Detailed Development Plans;
 - 2) Major Planned Development Modifications; and
 - 3) Planned Development Nullifications per Section 2.5.80.b:
 - f) Refinement Plans and Refinement Plan Nullifications;
 - g) HRC-level Historic Preservation Permits related to Demolitions;
 - h) Major Neighborhood Center Master Site Plans, including:
 - 1) Master Site Plans; and
 - 2) Major Master Site Plan Modifications; and
 - i) Floodplain Development Permit Variances.
4. Any person who resides on or owns property within 100 ft., including street right-of-way, of a parcel of land proposed for:
- a) Appeals of a General Development decision of the Director;
 - b) Establishing or removing a Historic Preservation Overlay zoning designation, in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes;
 - c) HRC-level Historic Preservation Permits, except those covered by "2.g," above;

- d) Minor Planned Development Modifications;
 - e) Expedited Land Divisions;
 - f) Major Neighborhood Center Minor Site Plan Modifications;
 - g) Request for Extension of Services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice;
 - h) Sign Variance;
 - i) Minor Lot Development Options;
 - j) Subdivisions and Major Replats (Residential); and
 - k) Conditional Development Permit Modifications
5. Tenants of an existing Manufactured Dwelling Facility for which a Zone Change is proposed;
 6. Any other person, agency, or organization required to receive notice per the requirements for vacating public lands, including Subdivision plats and street rights-of-way, as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080, as amended;
 7. Any other person, agency, or organization that has filed a request to the Director to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;
 8. Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies;
 9. Any other resident owner of property whom the Director determines is affected by the application; and
 10. Historic Resources Commission and State Historic Preservation Office, for the following:
 - a) Appeals of Director-level and HRC-level Historic Preservation Permits; and
 - b) Zone Change applications to establish or remove a Historic Preservation Overlay zoning designation in accordance with

Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes.

11. Oregon Department of Parks and Recreation, for development on property with a Willamette River Greenway Overlay Zone.
- d. ~~Sunset~~**—~~The public notice changes instituted by LDT03-00002 shall be re-evaluated by the City within two years of the adoption of that amendment to see if it is still necessary to maintain reduced public notice requirements.~~
- e d.** For the purpose of mailed notification, the County Assessor's most recent property tax assessment roll shall be used. Notices shall be sent to the occupant and owner in each case where the Assessor's records indicate that the owner's address differs from the site address. Persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. Failure of property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.
- f e.** Notice shall be posted by the applicant in at least one conspicuous place along each street frontage of a site, at least 20 days prior to the hearing date. Notices shall be posted pursuant to administrative procedures established by the Director.
- g f.** Where a hearing is continued by the hearing authority to a specific date, no additional notice need be given.

2.0.50.05 - Hearing Authority

The City Council or an agency of the City Council shall be designated by this Code as the hearing authority for specific types of development proposals that require a quasi-judicial hearing.

2.0.50.06 - Order of Proceedings

The public testimony portion of the proceedings identified in "i," through "l," below, is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

- a.** The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue orally or in writing during the hearing, with sufficient specificity to afford the hearing

authority an opportunity to respond, will preclude appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an additional seven days in order to present additional evidence, arguments, or testimony regarding the application. The presiding officer may establish the time allowed for the presentation of information.

- b.** City staff shall announce what the record contains.
- c.** Any objections on jurisdictional grounds shall be noted in the record.
- d.** Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest and areas of bias and shall disclose the time, place, and nature of any ex parte contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the ex parte contact.
- e.** The hearing authority may view the area in dispute for purposes of evaluating the proposal, but shall state in the record the place, time, manner, and circumstances of such viewing.
- f.** City staff shall present an overview of the case, including the location of the site and general information such as the applicable land use designations.
- g.** The applicant or those representing the applicant shall present information.
- h.** City staff shall present a report, including a list of criteria applying to the case. Staff may also present additional information when allowed by the presiding officer.
- i.** Persons who support the proposed change shall present evidence or make inquiries. If additional evidence or documents are provided in support of an application, any party shall, upon request, be entitled to prepare a written rebuttal to the new evidence. If an opportunity for such written rebuttal is requested, the hearing authority shall hold the written record open for a minimum of seven days to allow for the submission of written rebuttals. When requested by the applicant, such a continuance is exempt from the time limits established in state law for development review processes.
- j.** Persons who oppose the proposed change shall present evidence or make inquiries.

- k.** Persons who do not necessarily support or oppose the proposed change shall present evidence or make inquiries.
- l.** Rebuttal testimony may be presented by persons who have testified. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing. The applicant or the applicant's representative shall present the first rebuttal, followed by surrebuttal by those who testified in opposition to the proposed change. Those persons who testified neutrally may not participate in surrebuttal. The presiding officer shall limit rebuttal and surrebuttal to avoid repetition. Prior to the close of the public hearing, the presiding officer shall ask the applicant to state a preference to either provide a final written argument within seven days or to waive that opportunity.
- m.** At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed, any participant in the initial hearing may request that the record remain open for submittal of additional written testimony for seven days after the close of the hearing. At the discretion of the hearing authority, the record may be permitted to remain open for a longer period for the submittal of additional written testimony.
- n.** Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence and except as allowed in "m", above. Opportunity for brief rebuttal shall also be afforded to adverse parties.

A closed hearing shall be reopened only upon a majority vote of the hearing authority and only after a reasonable showing that:

1. There is evidence that was not reasonably available at the time of the hearing;
2. Evidence is now available to the person seeking to reopen the hearing; and
3. The evidence is factual, substantial, and material.

Upon reopening a hearing, any person may raise new issues that relate to the new evidence, testimony, or criteria for decision-making that apply.

- o.** Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals from a lower City hearing authority to a higher City hearing authority, the appeal period shall be 12 days from the date the written decision is signed.

Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of state law.

2.0.50.07 - Testimony Rules of Procedure

- a. Formal rules of evidence shall not apply.
- b. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other City agency or official outside the public hearing may be received as argument and placed in the record. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.
- c. All information received by the hearing authority shall be retained, preserved, and transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 2.19 - Appeals. Certified copies of original information may be substituted for original documents.
- d. All evidence and argument shall be as brief as possible, consistent with full presentation.
- e. Redundancy shall be avoided.
- f. With the exception of Code enforcement-related interruptions by the presiding officer, each person presenting information or argument shall be allowed to complete the presentation without interruption.
- g. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.
- h. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval or disapproval, agreement or disagreement. If any person persists in such conduct after receiving warning by the presiding officer, such person may be expelled from the hearing.
- i. The presiding officer has complete authority to enforce these provisions and to ensure that a fair hearing is held. The presiding officer also has the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any of these provisions.

2.0.50.08 - Voting Eligibility

When a member of the hearing authority becomes ineligible to vote due to absence from a portion of the public hearing on the proposed development, the member may revive voting eligibility by listening to the completed tape recording of the portion of the hearing missed. The member shall then announce to the hearing authority that he or she has listened to the tapes.

2.0.50.09 - Action by Hearing Authority

The hearing authority shall act upon the development proposal application within 120 days after the application is deemed complete unless such time limitation is extended with the consent of the applicant or as required by law. Unless otherwise ordered by the hearing authority, the Director shall process applications in the order in which they are filed.

- a. The hearing authority may:
1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
 2. Continue the public hearing;
 3. Refer the matter to a committee;
 4. Approve the applications as submitted;
 5. Deny the request; or
 6. Approve the request with Conditions of Approval in accordance with "b," below.

Findings of fact in support of any decision shall be required in accordance with Section 2.0.50.10 below, and shall be in the record of proceedings prior to any final action by the hearing authority to approve, approve with conditions, or deny a request.

- b. The following limitations shall be applicable to conditional approvals:
1. Conditions of Approval shall be fulfilled within the time limitations set forth in the Conditions of Approval; and
 2. Conditions of Approval shall be related to approval standards set out in this Code or established by the Comprehensive Plan or City Facility Master Plans and incorporated by reference in this Code.
- c. The hearing authority may vote to continue any public hearing to a later date and time. If a quorum of the hearing authority does not appear for a

hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.50.10 - Findings of Fact

Findings shall include:

- a.** A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the hearing authority. This preamble shall include but is not limited to statements regarding:
 1. Size and location of property in question, including tax lot numbers and map numbers;
 2. Purpose of application;
 3. Date of original application;
 4. Statement of applicant's legal interest in the property;
 5. Whether applicant represents self or another person;
 6. Date of all public hearings and actions taken at those hearings; and
 7. Other relevant background facts, as appropriate.
- b.** Identification of applicable legal criteria for decision making. These may include this Code, the Corvallis Charter, Comprehensive Plan, applicable Statewide Planning Goals, and applicable state statutes.
- c.** Conclusions, individually numbered. Such findings must relate relevant facts to the legal criteria identified previously. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved.
- d.** All applicants shall prepare and submit draft written findings to staff for development of formal findings to be used for the consideration of the hearing authority in the event that the hearing authority's decision supports the applicant's proposal or a modified version thereof. The hearing authority may direct staff to prepare proposed findings, in the event that the hearing authority does not follow the applicant's proposal or a modified version thereof.

2.0.50.11 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer or designate of the hearing authority and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.50.12 - Notice of Disposition

After the order is signed, the Director shall issue a Notice of Disposition that describes the decision of the hearing authority, a reference to findings leading to it, any Conditions of Approval, and appeal period deadline. The Notice of Disposition shall be issued to persons who participated in the public hearing, either orally or in writing. The Notice of Disposition shall also be sent to applicants and all owners of property involved in the application.

2.0.50.13 - Public Information

- a. A copy of these provisions shall be made available to any interested persons.
- b. Copies of the Testimony Rules of Procedure in Section 2.0.50.07 shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to this Chapter.

2.0.50.14 - Applicant's Request for Delay

Upon receipt of an applicant's written request for a delay in the processing of an application, the Director may allow the request, provided that the time that the application is placed on hold does not exceed one year from the date the request is filed with the Community Development Department, and provided that the applicant agrees in writing to waive the 120-day processing time frame. After this one-year period has expired, a new application and fee are required.

2.0.50.15 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.

2.0.50.16 - Multiple Applications Filed Together

When more than one application has been filed at one time for a specific property or development, the review of those applications shall be coordinated as follows:

- a. If any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting, except as outlined in "b," below. For example, applications for Zone Changes are ordinarily heard by the Land Development Hearings Board. When a Zone Change is sought simultaneously with a Conditional Development, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board shall be required.
- b. Applications ordinarily heard by the Historic Resources Commission shall not be filed together (combined) with another application(s) requiring a public hearing that is ordinarily heard by some other hearing authority. Historic Preservation Permit applications and Historic Preservation Overlay-related Zone Change applications that are ordinarily decided upon by the Director, or the Director's designee, shall be filed together (combined) with applications ordinarily heard by the Historic Resources Commission. In these cases, the combination of historic applications shall be reviewed by the Historic Resources Commission and no prior action by the Director shall be required.

2.0.50.17 - Filing Deadlines

Unless specified otherwise in this Code, an application that has been filed on or before the last Monday of the month, and found to be complete within the next 30 days, shall be scheduled for a Planning Commission public hearing in the third month following the application submittal. For example, applications filed the last Monday in January, and found to be complete by the end of February, shall be heard by the Planning Commission in April.

[Section 2.0.50 amended by Ordinance 2012-17, effective December 13, 2012, and Ordinance 2017-07, effective April 27, 2017; Section 2.0.50.02 amended by Ordinance 2017-07, effective April 27, 2017; Section 2.0.50.03 amended by Ordinance 2017-07, effective April 27, 2017; Section 2.0.50.04 amended by Ordinance 2014-11, effective August 28, 2014, and Ordinance 2017-017, effective April 27, 2017, and Ordinance 20XX-XXX, effective XXX XX, 20XX]

Section 2.0.60 - PROCEDURES FOR HEARINGS INVOLVING REMANDS FROM THE STATE LAND USE BOARD OF APPEALS (LUBA)

Procedures for hearings involving both voluntary and involuntary remands from the State Land Use Board of Appeals shall be as follows:

- a. The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:
 1. Send the matter to another authorized hearing authority, such as the Land Development Hearings Board, Historic Resources Commission, or Planning Commission;
 2. Set a hearing date to decide the matter without re-opening the public hearing on the case; or
 3. Set a hearing date and re-open the public hearing for consideration.
- b. When considering a remand, the hearing authority may consider the case in whole or in part.
- c. Procedures for public notice and order of proceedings for remands on legislative matters shall be in accordance with Section 2.0.40.
- d. Procedures for public notice and order of proceedings for remands on quasi-judicial matters shall be in accordance with Section 2.0.50, except that in all cases, required mailing of notices shall occur a minimum of 20 days in advance of the public hearing to address the remand.

CHAPTER 2.0 REFERENCE UPDATES

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1.1.30.03 - Powers and Duties

The Land Development Hearings Board shall conduct hearings and prepare findings of fact in accordance with Chapter 2.0 - Public Hearings Involvement and take such actions concerning appeals as required by this Code.

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings Involvement.

1.2.110.03 - Special Development

Special Development includes development activities that require considerable discretion. It involves a public hearing, in accordance with the provisions of Chapter 2.0 - Public Hearings Involvement, as well as approval by an established hearing authority. Definition – Special Development Decision

Section 1.6.30 - SPECIFIC WORDS AND TERMS

Special Development Decision - Development decision that requires considerable discretion in applying criteria and standards of this Code. Involves a public hearing in accordance with the provisions in Chapter 2.0 - Public Hearings Involvement, as well as approval by an established Hearing Authority.

ARTICLE II - ADMINISTRATIVE PROCEDURES

CHAPTER 2.0

PUBLIC HEARINGS INVOLVEMENT

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2.1.30.04 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings Involvement.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings Involvement.

2.1.30.08 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings Involvement.

2.1.30.09 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Hearings Involvement.

2.1.30.10 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement, that includes a written statement of the City Council's decision, a reference to findings leading to it, and the appeal period deadline.

2.2.30.01 – Initiation

b. Property owners may petition the Planning Commission for a hearing by submitting the following:

1. A petition representing a majority (over 50 percent) of property owners within the area of the proposed Zone Change; and

2. A description and map of the area to be affected and information as may be necessary for an adequate review.

If the Planning Commission determines that there is sufficient cause, it shall initiate the Zone Change in accordance with Chapter 2.0 - Public Hearings Involvement.

2.2.30.04 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings Involvement.

2.2.30.05 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Hearings Involvement.

2.2.30.06 - Notice of Disposition

The Director shall provide a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement that includes a written statement of the City Council's decision, a reference to findings leading to it, and the appeal period deadline. 2.2.40.03

2.2.40.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings Involvement.

2.2.40.06 - Action by the Hearing Authority

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings Involvement.

2.2.40.07 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement that includes a written statement of the hearing authority's decision, a reference to findings leading to it, and the appeal period deadline.

2.3.30.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings Involvement.

2.3.30.02 - Acceptance of Application

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings Involvement.

2.3.30.05 - Action by the Hearing Authority

The Planning Commission (or City Council for a Conditional Development Permit application involving a collocated wireless telecommunication facility) shall conduct a public hearing in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.3.30.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement that includes a written statement of the Hearing Authority's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.4.30.02 - Acceptance of Application

- a. The Director shall process Nonresidential Subdivision applications in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.
- b. After accepting a complete application for a Nonresidential Subdivision, the Director shall schedule a public hearing to be held by the Planning Commission. After accepting a complete application for a Residential Subdivision, the Director shall commence review in accordance with Section 2.14.30.02. Notice of the hearing for a Nonresidential Subdivision shall be provided in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.4.30.05 - Action

- a. Action by the Planning Commission for Nonresidential Subdivisions - The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.4.30.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.40.02 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.
- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.5.40.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.5.40.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.50.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.5.50.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.5.50.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.60.03 - Procedures for a Major Planned Development Modification

b. Where the Director determines that the proposed change is a Major Planned Development Modification in accordance with the thresholds described in Section 2.5.60.02, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

Section 2.5.90 - REFINEMENT PLAN PROCEDURES

A plan will not be classified as a Refinement Plan, unless it is specifically adopted as one in accordance with the provisions of this Section. With the exception of the initiation procedures outlined below in Section 2.5.90.01, and the public hearing process as outlined in Chapter 2.0 - Public ~~Hearings~~ Involvement, the procedures for both legislative and quasi-judicial Refinement Plans shall be the same.

2.5.90.01 - Initiation

2c) If the Planning Commission determines that there is sufficient cause, it shall initiate review of the Refinement Plan in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.5.90.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.5.90.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.90.09 - Refinement Plan Nullification

b. The Planning Commission shall hold a public hearing and provide notice of the hearing and decision in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.6.30.04 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.6.30.08 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement to evaluate the proposed Annexation and determine its appropriate zoning designation upon Annexation.

2.6.30.09 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement, that includes a written statement of the Planning Commission's decision regarding the zoning designation, a reference to findings leading to it, and the appeal period deadline.

2.6.30.12 - Action by the City Council

Upon receipt of the Planning Commission's recommendation the proposed Annexation shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.7.50.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.7.50.06 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public ~~Hearings~~ Involvement.

2.7.50.07 - Action by the City Council

Upon receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings Involvement.

2.7.50.09 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement.

2.8.40.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings Involvement and ORS 271, as amended.

2.8.40.04 - Notice of the Public Hearing

Notice of the public hearing shall be provided in accordance with Chapter 2.0 - Public Hearings Involvement, and ORS 271.110, as amended.

2.8.40.07 - Action by City Council

A public hearing shall be conducted by the City Council in accordance with Chapter 2.0 - Public Hearings Involvement and ORS Chapter 271, as amended.

2.8.40.08 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement.

2.9.90.07 - Action on Application

b. HRC-level Historic Preservation Permits - The Historic Resources Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings Involvement.

2.9.90.08 - Notice of Disposition

b. HRC-level Historic Preservation Permits - The Director shall provide the applicant and the Historic Resources Commission with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement, that includes a written statement of the Historic Resources Commission's decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline.

2.10.40.02 - Acceptance of Application and Staff Evaluation

a. The application shall be accepted and evaluated by City staff in accordance with the procedures identified in Sections 2.3.30.02 and 2.3.30.03 of Chapter 2.3 - Conditional Development, and with Chapter 2.0 - Public Hearings Involvement.

b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings Involvement.

2.10.50.03 - Procedures for a Major Master Site Plan Modification

b. Where the Director determines that the proposed change is a Major Master Site Plan Modification in accordance with the thresholds described in Section 2.3.40.02 - Thresholds of a Conditional Development Modification, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Hearings Involvement.

2.11.60.07 - Action on Variance Application

The Land Development Hearings Board shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings Involvement.

2.11.60.08 - Notice of Disposition

The Floodplain Administrator or designee shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement that includes a written statement of the Land Development Hearings Board's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.12.30.02 - Acceptance of Application

b. Major Lot Development Option -

1. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings Involvement.
2. After accepting a complete application, the Director shall schedule a public hearing to be held by the Land Development Hearings Board. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings Involvement.

2.12.30.07 - Action on Application

b. **Major Lot Development Option** - The Land Development Hearings Board shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings Involvement.

2.12.30.08 - Notice of Disposition

b. **Major Lot Development Option** - The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings Involvement that includes a written statement of the Land Development Hearings Board's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.19.30.06 - Notice and Hearing

a2. Public hearings shall be conducted in accordance with Chapter 2.0 - Public Hearings Involvement.

ARTICLE III – DEVELOPMENT ZONES

Section 3.9.20 - GENERAL PROVISIONS - Establishment of the MUR Zone

The MUR Zone designation shall apply to lands identified as MUR on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter and Chapter

2.2 - Zone Changes. Through a legislative or quasi-judicial process consistent with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings Involvement, the MUR Zone may also be applied to properties designated Medium-high Density or High Density Residential on the Comprehensive Plan Map.

a. Locational Criteria

The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings Involvement.

Section 3.14.20 - GENERAL PROVISIONS - Establishment of the NC Zone

The NC Zone designation shall apply to lands identified as NC on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter, Chapter 2.2 - Zone Changes, and applicable Comprehensive Plan policies. Zone Changes to establish new NC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or properties to which this designation is applied through a subsequent or concurrent Comprehensive Plan Map Amendment. The NC Zone also may be applied through a legislative process in accordance with the procedures identified in Chapter 2.0 - Public Hearings Involvement.

a. Locational Criteria

6. The NC Zone shall be located in areas determined, through a legislative process in accordance with Chapter 2.0 - Public Hearings Involvement, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood for Minor NC Zones, and to the affected comprehensive neighborhood and larger community for Major NC Zones.

b. Zone Size and Dimensions

4. Exceptions to "2," and "3," above, may occur if a site is determined, through a legislative process in accordance with Chapter 2.0 - Public Hearings Involvement, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

Section 3.19.20 - GENERAL PROVISIONS - Establishment of the MUCS Zone

Zone Changes to establish new MUCS Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The MUCS Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Hearings Involvement. The following locational and dimensional criteria shall apply to any new MUCS Zone.

Section 3.20.20 - GENERAL PROVISIONS - Establishment of the MUGC Zone

Zone Changes to establish new MUGC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The MUGC Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Hearings Involvement.

Section 3.22.20 - GENERAL PROVISIONS - ESTABLISHMENT OF THE LI-O ZONE

Zone Changes to establish new LI-O Zones may be applied only to properties designated Light Industrial-Office (LI-O) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The LI-O Zone also may be applied through a legislative or quasi-judicial process in accordance with Chapter 2.0 - Public Hearings Involvement.

Section 3.30.20 - CONDITIONAL DEVELOPMENT

Development within this Overlay, regardless of the classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Hearings Involvement, written public notice and a Notice of Disposition shall be mailed to the Oregon Department of Parks and Recreation.

ARTICLE IV – DEVELOPMENT STANDARDS

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

m.5. An exception to the requirements of this Section may be granted if, through a Planned Development process consistent with Chapter 2.5 - Planned Development, or a legislative process consistent with or 2.0 - Public Hearings Involvement, a site is determined to appropriately provide mixed use opportunities and services to the affected Comprehensive Neighborhood.

Section 4.7.110 - VARIANCE TO STANDARDS

b. The Land Development Hearings Board shall hold a public hearing and provide notice on the application in accordance with Chapter 2.0 - Public Hearings Involvement.

Section 4.9.30 - MINOR UTILITIES

b. If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the Minor Utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the Minor Utility after conducting a public hearing in accordance with Chapter 2.0 - Public Hearings Involvement.

SPELLING CORRECTION

Section 3.30.20 - CONDITIONAL DEVELOPMENT

Development within this Overlay, regardless of the classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Hearings Involvement, written public notice and a Notice of Disposition shall be mailed to the Oregon Department of Parks and Recreation.

ORDINANCE 2018-__

AN ORDINANCE RELATING TO APPLICANT NEIGHBORHOOD MEETINGS, AMENDING LAND DEVELOPMENT CODE CHAPTER 2.0, “PUBLIC HEARINGS”, AND PORTIONS OF ARTICLES 1.0 “GENERAL PROVISIONS”, 2.0 “ADMINISTRATIVE PROCEDURES”, 3.0 “DEVELOPMENT ZONES”, and 4.0 “DEVELOPMENT STANDARDS”.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Legislative Findings. The Council finds:

- a) The Council held a duly advertised public hearing on January 2, 2018, to consider the proposed Land Development Code (LDC) text amendment, in accordance with LDC § 1.2.80.03;
- b) The public necessity, convenience, and general welfare require the proposed LDC text amendment, in accordance with LDC § 1.2.80.01; and
- c) The proposed LDC text amendment conforms with Article 2, “Citizen Involvement,” of the Corvallis Comprehensive Plan, and complies with Statewide Planning Goal 1, “Citizen Involvement”, in accordance with LDC § 1.2.80.01.

Section 2. Land Development Code Articles 1.0, 2.0, 3.0, and 4.0 are hereby amended as fully set out in Exhibit A to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 3. No other provision in the Land Development Code is amended by this ordinance.

PASSED by the City Council this _____ day of _____, 2018

APPROVED by the Mayor this _____ day of _____, 2018

EFFECTIVE this _____ day of _____, 2018

Mayor

ATTEST:

City Recorder

ORDINANCE 2018-_____**EXHIBIT A****CHAPTER 2.0
PUBLIC INVOLVEMENT****Section 2.0.10 - BACKGROUND**

This chapter describes public involvement in the land-use process. The following procedures establish neighborhood meeting requirements, notice requirements, and the conduct of legislative and quasi-judicial public hearings required by the provisions of this Code. Where this Code and a provision of state law address the same subject, the requirement of state law shall take precedence.

Section 2.0.20 - PURPOSES

- a. Provide an avenue for the public to be involved early on in the land-use process through Applicant Neighborhood Meetings; and
- b. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and
- c. Provide clear and consistent rules to ensure that the legal rights of individual property owners and the general public are protected.

Section 2.0.25 – APPLICANT NEIGHBORHOOD MEETINGS

The purpose of an applicant neighborhood meeting is to ensure that applicants pursue early and effective public participation by providing a convenient forum to engage community members in the development process. These meetings are intended to describe the proposal in detail; answer questions; identify issues; opportunities; or concerns; and solicit feedback from the community.

- a. The applicant shall hold an applicant neighborhood meeting prior to submittal of the following types of land-use applications:
 1. Annexations
 2. Comprehensive Plan Amendments
 3. Zone Changes
 4. Major Lot Development Options
 5. Subdivisions of 10 or more lots

6. Conditional Development Permits
 7. Planned Developments; limited to
 - a) Conceptual Development Plans,
 - b) Detailed Development Plans,
 - c) Major Planned Development Modifications, and
 - d) Planned Development Nullifications per Section 2.5.80.b
 8. Major Neighborhood Center Master Site Plans
- b.** The procedures for Applicant Neighborhood Meetings shall be in accordance with the current application requirements on file with the Community Development Department.

Section 2.0.30 - DETERMINATION OF HEARING TYPE

Within seven days from the date of the Director's request for a hearing, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. The decision shall be based upon consideration of applicable state regulations and relevant court decisions.

Section 2.0.40 - LEGISLATIVE HEARINGS

2.0.40.01 - Notice

- a. Notice Published in Newspaper** - Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing and shall contain the following information:
 1. Terms of, or a statement of, the proposed public action;
 2. Department of the City from which additional information can be obtained; and
 3. Time, place, date, and methods for presentation of views by interested persons.
- b. Notice Requirements Pursuant to ORS 227.175** - Notice shall be provided to property owners affected by legislative land use actions in the following manner:
 1. Notice Recipients - The statutory notices required by Oregon Revised Statute 227.175, as amended over time, shall be provided

in addition to any other notice required by the Code. These notices include:

- a) Notice to all owners of property that will be re-zoned to comply with a proposed legislative amendment to the Comprehensive Plan, when the proposed legislative amendment is not required as part of Periodic Review;
 - b) Notice to all owners of property that will be re-zoned as a result of a proposed ordinance;
 - c) Notice to all owners of property that will be affected by a text amendment that limits or prohibits uses permitted by that zone, when the proposed amendment is not required as part of Periodic Review; and
 - d) Notice to all owners of property that will be re-zoned as the result of a proposed amendment to the Comprehensive Plan or Zoning Ordinance that is a component of the Periodic Review process.
2. Timing of Notices - Notices under "1.a," "1.b," and "1.c," above, shall be sent within 20 to 40 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment. Notices under "1.d," above, shall be sent 30 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment.
 3. Re-zoning Defined - Notices under this policy are required only if the legislation will require a change to the development zone of the property affected or if the legislation limits or prohibits land uses previously allowed in the affected zone. In cases where zoning standards are changed, such as setback changes, landscaping requirements, etc., a determination shall be made regarding whether the change would limit or prohibit land uses previously allowed. In cases where a previously allowed use would be limited or prohibited, notice is required.
 4. Re-notification Required - If, during the legislative land use action for which notices have been provided in accordance with ORS 227.175, as amended over time, the hearing authority has re-zoned property not previously noticed, or further limited or prohibited uses not previously identified, then re-notification shall occur in accordance with these provisions.

- c. Source of Information for Mailed Notification** - The County Assessor's Office most recent property tax assessment roll shall be used for mailed notification. Failure of property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.

2.0.40.02 - Submission of Written Testimony

Any person may submit written recommendations and comments regarding a public hearing item, copies of which shall be kept on file and made available for public inspection. Time limitations on the acceptance of written testimony shall be determined by the hearing authority.

2.0.40.03 - Order of Proceedings

Components of the Proceedings - The public testimony portion of the proceedings identified in "f," through "h," below, is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

- a.** The presiding officer shall state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed toward the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an additional seven days in order to present additional evidence, arguments, or testimony regarding the case. The presiding officer may establish the time allowed for presentation of information.
- b.** City staff shall announce what the record contains.
- c.** Any objections on jurisdictional grounds shall be noted in the record.
- d.** Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest.
- e.** City staff shall present reports. Staff may also present additional information when allowed by the presiding officer.
- f.** Persons who support the proposed action shall present information or make inquiries.

- g.** Persons who oppose the proposed action shall present information or make inquiries.
- h.** Persons who do not necessarily support or oppose the proposed action shall present information or make inquiries.
- i.** At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed, no further information shall be received and, unless the presiding officer has ordered otherwise, no further argument shall be received.
- j.** Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals to the State Land Use Board of Appeals, the appeal period shall be 21 days from the date the decision is signed.

2.0.40.04 - Action by Hearing Authority

- a.** The hearing authority may:
 - 1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
 - 2. Continue the public hearing;
 - 3. Refer the matter to a committee;
 - 4. Approve the action; or
 - 5. Deny the action.

Findings of fact in support of any decision shall be required by state law and shall be in the record of proceedings prior to any final action by the hearing authority.

- b.** If a quorum of the hearing authority does not appear for a hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.40.05 - Findings of Fact

The hearing authority shall state findings of fact prior to any final action. These findings include:

- a. Applicable policies, criteria, and standards against which a proposal was tested;
- b. Statements ensuring the compliance or noncompliance of the proposed actions with each applicable policy, criterion, and standard; and
- c. Reasons supporting a conclusion to approve or deny.

2.0.40.06 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.40.07 - Notice of Disposition

After the order is signed, the Director shall issue a Notice of Disposition that describes the decision of the hearing authority, a reference to findings leading to it, and appeal period deadline. The Notice of Disposition shall be issued to persons who participated in the public hearing orally and/or in writing. The Notice of Disposition shall also be sent to all owners of property proposed for re-designation.

Section 2.0.50 - QUASI-JUDICIAL HEARINGS

Where a quasi-judicial hearing is required by this Code, it shall be conducted in accordance with the procedures set forth below. Applicants are urged to work closely with City staff and are strongly encouraged to attend a pre-application meeting prior to the application's initial submittal.

2.0.50.01 - Acceptance of Application

- a. The Director shall review applications for completeness as soon as possible after they are filed. Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised on information needed to complete the application. The applicant also shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot ensure that required criteria have been met.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded

as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.0.50.02 - Processing an Application

Unless ordered otherwise by the hearing authority, the Director shall process applications in the order in which they are filed.

2.0.50.03 - Pre-notification to Neighborhoods and Interested Parties

- a.** Pre-notification is required for applications that require quasi-judicial hearings, with the following exceptions:
 - 1. HRC-level Historic Preservation Permits
 - 2. Zone Change to establish or remove a Historic Preservation Overlay
- b.** Pre-notification shall be provided to the following:
 - 1. Property owners and residents whose property boundaries include or abut the subject property;
 - 2. Persons on file with the City as representing neighborhood associations whose boundaries are within 100 feet of the subject property; and,
 - 3. Persons on file with the City as having requested all public notices.
- c.** Pre-notification shall contain the following information:
 - 1. Nature of the proposed development, and proposed uses that could be authorized;
 - 2. Address, legal descriptions, or some other means of identifying the subject property;
 - 3. Probable hearing authority;
 - 4. Statement that the scope of the application may change between the submittal date and the date the application is deemed complete;
 - 5. Statement that a public notice will be issued per LDC § 2.0.50.04 once the application has been deemed complete and a public hearing has been scheduled;

6. Links to locations online where application materials and a flow chart of the application process can be reviewed; and,
 7. Name and phone number of a staff member from whom additional information can be obtained.
- d. When pre-notification is required per "a," above, it shall be issued within 30 days of a land use application's submittal, and before the 20-day time period referenced in Section 2.0.50.04.c. It may be issued by mail or electronically.

2.0.50.04 - Public Notice

a. Notice for Quasi-judicial Comprehensive Plan Amendment Applications

Notice of hearings for quasi-judicial Comprehensive Plan Amendment applications shall be as follows:

1. Notice to all owners of property proposed to be re-designated, pursuant to Section 2.0.40.01.b;
2. Notice to all owners of property affected by a text amendment that limits or prohibits uses permitted by the property's land use designation pursuant to Section 2.0.40.01.b; and
3. Notice to applicants (who are not owners of property involved in the quasi-judicial Comprehensive Plan Amendment application) and surrounding property owners shall be consistent with "b," through "g," of this Section.

b. Notice for Quasi-judicial Applications Not Involving Comprehensive Plan Amendments

Notice for hearings for quasi-judicial applications not meeting "a.1," or "a.2," above, shall contain the following information:

1. Date, time and place of the hearing;
2. Nature of the proposed development and the proposed uses that could be authorized;
3. Legal description, address, or tax map designations;
4. Map showing the location of the proposed development;

5. Name and phone number of a staff member from whom additional information can be obtained;
 6. Where a zone change or site development plan is involved, the notice shall state that the hearing authority may consider modifications to the applicant's request;
 7. A list of Code and Comprehensive Plan criteria that apply to the decision;
 8. A statement that failure to raise an issue orally or in writing during the hearing, with sufficient specificity to afford the hearing authority an opportunity to respond, will preclude appeal to the State Land Use Board of Appeals on that issue;
 9. A statement that the following are available for inspection and will be duplicated upon request at reasonable cost:
 - a) The application;
 - b) All documents and evidence used by the applicant; and
 - c) Applicable criteria.
 10. A statement that the staff report will be available for review at no cost seven days before the hearing and will be duplicated upon request at reasonable cost; and
 11. A description of the hearing procedure with encouragement for concerned community members to submit testimony orally or in writing.
- c. Notice List** - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:
1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;
 2. Any person who resides on or owns property within 500 ft., including street right-of-way, of a parcel of land proposed for:
 - a) Major Lot Development Option.

3. Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:
 - a) Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;
 - b) Subdivisions and Major Replats (Non-Residential);
 - c) Conditional Development - including Willamette River Greenway Permits;
 - d) Annexation proposals;
 - e) Planned Developments, including:
 - 1) Conceptual and/or Detailed Development Plans;
 - 2) Major Planned Development Modifications; and
 - 3) Planned Development Nullifications per Section 2.5.80.b:
 - f) Refinement Plans and Refinement Plan Nullifications;
 - g) HRC-level Historic Preservation Permits related to Demolitions;
 - h) Major Neighborhood Center Master Site Plans, including:
 - 1) Master Site Plans; and
 - 2) Major Master Site Plan Modifications; and
 - i) Floodplain Development Permit Variances.

4. Any person who resides on or owns property within 100 ft., including street right-of-way, of a parcel of land proposed for:
 - a) Appeals of a General Development decision of the Director;
 - b) Establishing or removing a Historic Preservation Overlay zoning designation, in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes;

- c) HRC-level Historic Preservation Permits, except those covered by "2.g," above;
 - d) Minor Planned Development Modifications;
 - e) Expedited Land Divisions;
 - f) Major Neighborhood Center Minor Site Plan Modifications;
 - g) Request for Extension of Services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice;
 - h) Sign Variance;
 - i) Minor Lot Development Options;
 - j) Subdivisions and Major Replats (Residential); and
 - k) Conditional Development Permit Modifications
5. Tenants of an existing Manufactured Dwelling Facility for which a Zone Change is proposed;
 6. Any other person, agency, or organization required to receive notice per the requirements for vacating public lands, including Subdivision plats and street rights-of-way, as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080, as amended;
 7. Any other person, agency, or organization that has filed a request to the Director to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;
 8. Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies;
 9. Any other resident owner of property whom the Director determines is affected by the application; and
 10. Historic Resources Commission and State Historic Preservation Office, for the following:
 - a) Appeals of Director-level and HRC-level Historic Preservation Permits; and

- b) Zone Change applications to establish or remove a Historic Preservation Overlay zoning designation in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes.
11. Oregon Department of Parks and Recreation, for development on property with a Willamette River Greenway Overlay Zone.
- d. For the purpose of mailed notification, the County Assessor's most recent property tax assessment roll shall be used. Notices shall be sent to the occupant and owner in each case where the Assessor's records indicate that the owner's address differs from the site address. Persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. Failure of property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.
 - e. Notice shall be posted by the applicant in at least one conspicuous place along each street frontage of a site, at least 20 days prior to the hearing date. Notices shall be posted pursuant to administrative procedures established by the Director.
 - f. Where a hearing is continued by the hearing authority to a specific date, no additional notice need be given.

2.0.50.05 - Hearing Authority

The City Council or an agency of the City Council shall be designated by this Code as the hearing authority for specific types of development proposals that require a quasi-judicial hearing.

2.0.50.06 - Order of Proceedings

The public testimony portion of the proceedings identified in "i," through "l," below, is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

- a. The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue orally or in writing during the hearing, with sufficient specificity to afford the hearing authority an opportunity to respond, will preclude appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an

additional seven days in order to present additional evidence, arguments, or testimony regarding the application. The presiding officer may establish the time allowed for the presentation of information.

- b.** City staff shall announce what the record contains.
- c.** Any objections on jurisdictional grounds shall be noted in the record.
- d.** Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest and areas of bias and shall disclose the time, place, and nature of any ex parte contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the ex parte contact.
- e.** The hearing authority may view the area in dispute for purposes of evaluating the proposal, but shall state in the record the place, time, manner, and circumstances of such viewing.
- f.** City staff shall present an overview of the case, including the location of the site and general information such as the applicable land use designations.
- g.** The applicant or those representing the applicant shall present information.
- h.** City staff shall present a report, including a list of criteria applying to the case. Staff may also present additional information when allowed by the presiding officer.
- i.** Persons who support the proposed change shall present evidence or make inquiries. If additional evidence or documents are provided in support of an application, any party shall, upon request, be entitled to prepare a written rebuttal to the new evidence. If an opportunity for such written rebuttal is requested, the hearing authority shall hold the written record open for a minimum of seven days to allow for the submission of written rebuttals. When requested by the applicant, such a continuance is exempt from the time limits established in state law for development review processes.
- j.** Persons who oppose the proposed change shall present evidence or make inquiries.
- k.** Persons who do not necessarily support or oppose the proposed change shall present evidence or make inquiries.

- l.** Rebuttal testimony may be presented by persons who have testified. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing. The applicant or the applicant's representative shall present the first rebuttal, followed by surrebuttal by those who testified in opposition to the proposed change. Those persons who testified neutrally may not participate in surrebuttal. The presiding officer shall limit rebuttal and surrebuttal to avoid repetition. Prior to the close of the public hearing, the presiding officer shall ask the applicant to state a preference to either provide a final written argument within seven days or to waive that opportunity.

- m.** At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed, any participant in the initial hearing may request that the record remain open for submittal of additional written testimony for seven days after the close of the hearing. At the discretion of the hearing authority, the record may be permitted to remain open for a longer period for the submittal of additional written testimony.

- n.** Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence and except as allowed in "m", above. Opportunity for brief rebuttal shall also be afforded to adverse parties.

A closed hearing shall be reopened only upon a majority vote of the hearing authority and only after a reasonable showing that:

1. There is evidence that was not reasonably available at the time of the hearing;
2. Evidence is now available to the person seeking to reopen the hearing; and
3. The evidence is factual, substantial, and material.

Upon reopening a hearing, any person may raise new issues that relate to the new evidence, testimony, or criteria for decision-making that apply.

- o.** Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals from a lower City hearing authority to a higher City hearing authority, the appeal period shall be 12 days from the date the written decision is signed. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of state law.

2.0.50.07 - Testimony Rules of Procedure

- a. Formal rules of evidence shall not apply.
- b. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other City agency or official outside the public hearing may be received as argument and placed in the record. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.
- c. All information received by the hearing authority shall be retained, preserved, and transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 2.19 - Appeals. Certified copies of original information may be substituted for original documents.
- d. All evidence and argument shall be as brief as possible, consistent with full presentation.
- e. Redundancy shall be avoided.
- f. With the exception of Code enforcement-related interruptions by the presiding officer, each person presenting information or argument shall be allowed to complete the presentation without interruption.
- g. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.
- h. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval or disapproval, agreement or disagreement. If any person persists in such conduct after receiving warning by the presiding officer, such person may be expelled from the hearing.
- i. The presiding officer has complete authority to enforce these provisions and to ensure that a fair hearing is held. The presiding officer also has the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any of these provisions.

2.0.50.08 - Voting Eligibility

When a member of the hearing authority becomes ineligible to vote due to absence from a portion of the public hearing on the proposed development, the member may revive voting eligibility by listening to the completed tape recording

of the portion of the hearing missed. The member shall then announce to the hearing authority that he or she has listened to the tapes.

2.0.50.09 - Action by Hearing Authority

The hearing authority shall act upon the development proposal application within 120 days after the application is deemed complete unless such time limitation is extended with the consent of the applicant or as required by law. Unless otherwise ordered by the hearing authority, the Director shall process applications in the order in which they are filed.

- a.** The hearing authority may:
1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
 2. Continue the public hearing;
 3. Refer the matter to a committee;
 4. Approve the applications as submitted;
 5. Deny the request; or
 6. Approve the request with Conditions of Approval in accordance with "b," below.

Findings of fact in support of any decision shall be required in accordance with Section 2.0.50.10 below, and shall be in the record of proceedings prior to any final action by the hearing authority to approve, approve with conditions, or deny a request.

- b.** The following limitations shall be applicable to conditional approvals:
1. Conditions of Approval shall be fulfilled within the time limitations set forth in the Conditions of Approval; and
 2. Conditions of Approval shall be related to approval standards set out in this Code or established by the Comprehensive Plan or City Facility Master Plans and incorporated by reference in this Code.
- c.** The hearing authority may vote to continue any public hearing to a later date and time. If a quorum of the hearing authority does not appear for a hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.50.10 - Findings of Fact

Findings shall include:

- a. A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the hearing authority. This preamble shall include but is not limited to statements regarding:
 1. Size and location of property in question, including tax lot numbers and map numbers;
 2. Purpose of application;
 3. Date of original application;
 4. Statement of applicant's legal interest in the property;
 5. Whether applicant represents self or another person;
 6. Date of all public hearings and actions taken at those hearings; and
 7. Other relevant background facts, as appropriate.
- b. Identification of applicable legal criteria for decision making. These may include this Code, the Corvallis Charter, Comprehensive Plan, applicable Statewide Planning Goals, and applicable state statutes.
- c. Conclusions, individually numbered. Such findings must relate relevant facts to the legal criteria identified previously. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved.
- d. All applicants shall prepare and submit draft written findings to staff for development of formal findings to be used for the consideration of the hearing authority in the event that the hearing authority's decision supports the applicant's proposal or a modified version thereof. The hearing authority may direct staff to prepare proposed findings, in the event that the hearing authority does not follow the applicant's proposal or a modified version thereof.

2.0.50.11 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer or designate of the hearing authority and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.50.12 - Notice of Disposition

After the order is signed, the Director shall issue a Notice of Disposition that describes the decision of the hearing authority, a reference to findings leading to it, any Conditions of Approval, and appeal period deadline. The Notice of Disposition shall be issued to persons who participated in the public hearing, either orally or in writing. The Notice of Disposition shall also be sent to applicants and all owners of property involved in the application.

2.0.50.13 - Public Information

- a. A copy of these provisions shall be made available to any interested persons.
- b. Copies of the Testimony Rules of Procedure in Section 2.0.50.07 shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to this Chapter.

2.0.50.14 - Applicant's Request for Delay

Upon receipt of an applicant's written request for a delay in the processing of an application, the Director may allow the request, provided that the time that the application is placed on hold does not exceed one year from the date the request is filed with the Community Development Department, and provided that the applicant agrees in writing to waive the 120-day processing time frame. After this one-year period has expired, a new application and fee are required.

2.0.50.15 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.

2.0.50.16 - Multiple Applications Filed Together

When more than one application has been filed at one time for a specific property or development, the review of those applications shall be coordinated as follows:

- a. If any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting, except as outlined in "b," below. For example, applications for Zone Changes are ordinarily heard by the Land

Development Hearings Board. When a Zone Change is sought simultaneously with a Conditional Development, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board shall be required.

- b. Applications ordinarily heard by the Historic Resources Commission shall not be filed together (combined) with another application(s) requiring a public hearing that is ordinarily heard by some other hearing authority. Historic Preservation Permit applications and Historic Preservation Overlay-related Zone Change applications that are ordinarily decided upon by the Director, or the Director's designee, shall be filed together (combined) with applications ordinarily heard by the Historic Resources Commission. In these cases, the combination of historic applications shall be reviewed by the Historic Resources Commission and no prior action by the Director shall be required.

2.0.50.17 - Filing Deadlines

Unless specified otherwise in this Code, an application that has been filed on or before the last Monday of the month, and found to be complete within the next 30 days, shall be scheduled for a Planning Commission public hearing in the third month following the application submittal. For example, applications filed the last Monday in January, and found to be complete by the end of February, shall be heard by the Planning Commission in April.

[Section 2.0.50 amended by Ordinance 2012-17, effective December 13, 2012, and Ordinance 2017-07, effective April 27, 2017; Section 2.0.50.02 amended by Ordinance 2017-07, effective April 27, 2017; Section 2.0.50.03 amended by Ordinance 2017-07, effective April 27, 2017; Section 2.0.50.04 amended by Ordinance 2014-11, effective August 28, 2014, Ordinance 2017-017, effective April 27, 2017, and Ordinance 2018-XXX, effective XXX XX, 2018]

Section 2.0.60 - PROCEDURES FOR HEARINGS INVOLVING REMANDS FROM THE STATE LAND USE BOARD OF APPEALS (LUBA)

Procedures for hearings involving both voluntary and involuntary remands from the State Land Use Board of Appeals shall be as follows:

- a.** The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:
 1. Send the matter to another authorized hearing authority, such as the Land Development Hearings Board, Historic Resources Commission, or Planning Commission;
 2. Set a hearing date to decide the matter without re-opening the public hearing on the case; or
 3. Set a hearing date and re-open the public hearing for consideration.
- b.** When considering a remand, the hearing authority may consider the case in whole or in part.
- c.** Procedures for public notice and order of proceedings for remands on legislative matters shall be in accordance with Section 2.0.40.
- d.** Procedures for public notice and order of proceedings for remands on quasi-judicial matters shall be in accordance with Section 2.0.50, except that in all cases, required mailing of notices shall occur a minimum of 20 days in advance of the public hearing to address the remand.

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1.1.30.03 - Powers and Duties

The Land Development Hearings Board shall conduct hearings and prepare findings of fact in accordance with Chapter 2.0 - Public Involvement and take such actions concerning appeals as required by this Code.

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Involvement.

1.2.110.03 - Special Development

Special Development includes development activities that require considerable discretion. It involves a public hearing, in accordance with the provisions of Chapter 2.0 - Public Involvement, as well as approval by an established hearing authority. Definition – Special Development Decision

Section 1.6.30 - SPECIFIC WORDS AND TERMS

Special Development Decision - Development decision that requires considerable discretion in applying criteria and standards of this Code. Involves a public hearing in accordance with the provisions in Chapter 2.0 - Public Involvement, as well as approval by an established Hearing Authority.

ARTICLE II - ADMINISTRATIVE PROCEDURES

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2.1.30.04 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.1.30.08 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.1.30.09 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.1.30.10 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement, that includes a written statement of the City Council's decision, a reference to findings leading to it, and the appeal period deadline.

2.2.30.01 – Initiation

b. Property owners may petition the Planning Commission for a hearing by submitting the following:

1. A petition representing a majority (over 50 percent) of property owners within the area of the proposed Zone Change; and
2. A description and map of the area to be affected and information as may be necessary for an adequate review.

If the Planning Commission determines that there is sufficient cause, it shall initiate the Zone Change in accordance with Chapter 2.0 - Public Involvement.

2.2.30.04 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Involvement.

2.2.30.05 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.2.30.06 - Notice of Disposition

The Director shall provide a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement that includes a written statement of the City Council's decision, a reference to findings leading to it, and the appeal period deadline. 2.2.40.03

2.2.40.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.

2.2.40.06 - Action by the Hearing Authority

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Involvement.

2.2.40.07 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 -Public Involvement that includes a written statement of the hearing authority's decision, a reference to findings leading to it, and the appeal period deadline.

2.3.30.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.

2.3.30.02 - Acceptance of Application

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.3.30.05 - Action by the Hearing Authority

The Planning Commission (or City Council for a Conditional Development Permit application involving a collocated wireless telecommunication facility) shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.3.30.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement that includes a written statement of the Hearing Authority's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.4.30.02 - Acceptance of Application

a. The Director shall process Nonresidential Subdivision applications in accordance with Chapter 2.0 - Public Involvement.

b. After accepting a complete application for a Nonresidential Subdivision, the Director shall schedule a public hearing to be held by the Planning Commission. After accepting a complete application for a Residential Subdivision, the Director shall commence review in accordance with Section 2.14.30.02. Notice of the hearing for a Nonresidential Subdivision shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.4.30.05 - Action

a. Action by the Planning Commission for Nonresidential Subdivisions - The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.4.30.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.40.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.

b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.5.40.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.5.40.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.50.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.5.50.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.5.50.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.60.03 - Procedures for a Major Planned Development Modification

b. Where the Director determines that the proposed change is a Major Planned Development Modification in accordance with the thresholds described in Section 2.5.60.02, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Involvement.

Section 2.5.90 - REFINEMENT PLAN PROCEDURES

A plan will not be classified as a Refinement Plan, unless it is specifically adopted as one in accordance with the provisions of this Section. With the exception of the initiation procedures outlined below in Section 2.5.90.01, and the public hearing process as outlined in Chapter 2.0 - Public Involvement, the procedures for both legislative and quasi-judicial Refinement Plans shall be the same.

2.5.90.01 - Initiation

2c) If the Planning Commission determines that there is sufficient cause, it shall initiate review of the Refinement Plan in accordance with Chapter 2.0 - Public Involvement.

2.5.90.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.5.90.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.5.90.09 - Refinement Plan Nullification

b. The Planning Commission shall hold a public hearing and provide notice of the hearing and decision in accordance with Chapter 2.0 - Public Involvement.

2.6.30.04 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.6.30.08 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement to evaluate the proposed Annexation and determine its appropriate zoning designation upon Annexation.

2.6.30.09 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement, that includes a written statement of the Planning Commission's decision regarding the zoning designation, a reference to findings leading to it, and the appeal period deadline.

2.6.30.12 - Action by the City Council

Upon receipt of the Planning Commission's recommendation the proposed Annexation shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Involvement.

2.7.50.03 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.7.50.06 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.7.50.07 - Action by the City Council

Upon receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Involvement.

2.7.50.09 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement.

2.8.40.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement and ORS 271, as amended.

2.8.40.04 - Notice of the Public Hearing

Notice of the public hearing shall be provided in accordance with Chapter 2.0 - Public Involvement, and ORS 271.110, as amended.

2.8.40.07 - Action by City Council

A public hearing shall be conducted by the City Council in accordance with Chapter 2.0 - Public Involvement and ORS Chapter 271, as amended.

2.8.40.08 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement.

2.9.90.07 - Action on Application

b. HRC-level Historic Preservation Permits - The Historic Resources Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.9.90.08 - Notice of Disposition

b. HRC-level Historic Preservation Permits - The Director shall provide the applicant and the Historic Resources Commission with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement, that includes a written statement of the Historic Resources Commission's decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline.

2.10.40.02 - Acceptance of Application and Staff Evaluation

- a. The application shall be accepted and evaluated by City staff in accordance with the procedures identified in Sections 2.3.30.02 and 2.3.30.03 of Chapter 2.3 - Conditional Development, and with Chapter 2.0 - Public Involvement.
- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.10.50.03 - Procedures for a Major Master Site Plan Modification

- b. Where the Director determines that the proposed change is a Major Master Site Plan Modification in accordance with the thresholds described in Section 2.3.40.02 - Thresholds of a Conditional Development Modification, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Involvement.

2.11.60.07 - Action on Variance Application

The Land Development Hearings Board shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.11.60.08 - Notice of Disposition

The Floodplain Administrator or designee shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement that includes a written statement of the Land Development Hearings Board's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.12.30.02 - Acceptance of Application

b. Major Lot Development Option -

1. The Director shall review the application in accordance with Chapter 2.0 - Public Involvement.
2. After accepting a complete application, the Director shall schedule a public hearing to be held by the Land Development Hearings Board. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Involvement.

2.12.30.07 - Action on Application

- b. **Major Lot Development Option** - The Land Development Hearings Board shall conduct a public hearing in accordance with Chapter 2.0 - Public Involvement.

2.12.30.08 - Notice of Disposition

b. Major Lot Development Option - The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Involvement that includes a written statement of the Land Development Hearings Board's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

2.19.30.06 - Notice and Hearing

a2. Public hearings shall be conducted in accordance with Chapter 2.0 - Public Involvement.

ARTICLE III – DEVELOPMENT ZONES

Section 3.9.20 - GENERAL PROVISIONS - Establishment of the MUR Zone

The MUR Zone designation shall apply to lands identified as MUR on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter and Chapter 2.2 - Zone Changes. Through a legislative or quasi-judicial process consistent with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Involvement, the MUR Zone may also be applied to properties designated Medium-high Density or High Density Residential on the Comprehensive Plan Map.

a. Locational Criteria

The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Involvement.

Section 3.14.20 - GENERAL PROVISIONS - Establishment of the NC Zone

The NC Zone designation shall apply to lands identified as NC on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter, Chapter 2.2 - Zone Changes, and applicable Comprehensive Plan policies. Zone Changes to establish new NC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or properties to which this designation is applied through a subsequent or concurrent Comprehensive Plan Map Amendment. The NC Zone also may be applied through a legislative process in accordance with the procedures identified in Chapter 2.0 - Public Involvement.

a. Locational Criteria

6. The NC Zone shall be located in areas determined, through a legislative process in accordance with Chapter 2.0 - Public Involvement, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood for Minor NC Zones, and to the affected comprehensive neighborhood and larger community for Major NC Zones.

b. Zone Size and Dimensions

4. Exceptions to "2," and "3," above, may occur if a site is determined, through a legislative process in accordance with Chapter 2.0 - Public Involvement, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

Section 3.19.20 - GENERAL PROVISIONS - Establishment of the MUCS Zone

Zone Changes to establish new MUCS Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The MUCS Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Involvement. The following locational and dimensional criteria shall apply to any new MUCS Zone.

Section 3.20.20 - GENERAL PROVISIONS - Establishment of the MUGC Zone

Zone Changes to establish new MUGC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The MUGC Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Involvement.

Section 3.22.20 - GENERAL PROVISIONS - ESTABLISHMENT OF THE LI-O ZONE

Zone Changes to establish new LI-O Zones may be applied only to properties designated Light Industrial-Office (LI-O) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The LI-O Zone also may be applied through a legislative or quasi-judicial process in accordance with Chapter 2.0 - Public Involvement.

Section 3.30.20 - CONDITIONAL DEVELOPMENT

Development within this Overlay, regardless of the classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Involvement, written public notice and a Notice of Disposition shall be mailed to the Oregon Department of Parks and Recreation.

ARTICLE IV – DEVELOPMENT STANDARDS

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

m.5. An exception to the requirements of this Section may be granted if, through a Planned Development process consistent with Chapter 2.5 - Planned Development, or a legislative process consistent with or 2.0 - Public Involvement, a site is determined to appropriately provide mixed use opportunities and services to the affected Comprehensive Neighborhood.

Section 4.7.110 - VARIANCE TO STANDARDS

b. The Land Development Hearings Board shall hold a public hearing and provide notice on the application in accordance with Chapter 2.0 - Public Involvement.

Section 4.9.30 - MINOR UTILITIES

b. If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the Minor Utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the Minor Utility after conducting a public hearing in accordance with Chapter 2.0 - Public Involvement.

SPELLING CORRECTION

Section 3.30.20 - CONDITIONAL DEVELOPMENT

Development within this Overlay, regardless of the classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Involvement, written public notice and a Notice of Disposition shall be mailed to the Oregon Department of Parks and Recreation.



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CORVALLIS CITY COUNCIL NOTICE OF DISPOSITION

CASE: LDT16-00002 **ORDER NO. 2018-001**

REQUEST: Legislative Land Development Code Text Amendment (LDT16-00002) involving changes and additions to Article I (General Provisions), Article II (Administrative Procedures), Article III (Development Zones), and Article IV (Development Standards), related to changing the name of Chapter 2.0, updating references to the name of Chapter 2.0 throughout the code, adding a requirement for applicant neighborhood meetings, and removal of the sunset clause regarding public notices from Section 2.0.50.04.d.

APPLICANT: City of Corvallis

LOCATION: The proposal applies to development throughout the City.

DECISION: The Corvallis City Council conducted, after proper legal notice, a public hearing concerning this Legislative Amendment to the Land Development Code (LDT16-00002) on January 2, 2018.

After considering public testimony, the City Council deliberated and found that the proposed request regarding revision of the Land Development Code should be tentatively approved. On January 16, 2018, the City Council adopted Ordinance 2018-___, including Formal Findings (**EXHIBIT A**), to implement the Code amendment.

If you wish to appeal the decision regarding this Legislative Amendment to the Land Development Code, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the effective date of the ordinance (**EXHIBIT A**).

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

January 16, 2018

Signed

Biff Traber, Mayor

EXHIBIT:

- A. Ordinance 2018-____, including adopted Formal Findings