CHAPTER 33.740 LEGISLATIVE PROCEDURE

(Amended by: Ord. No. 176469, effective 7/1/02.)

Sections:

33.740.010 Purpose 33.740.020 Commission Review 33.740.030 City Council Consideration

33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

33.740.020 Commission Review (Amended by Ord. No. 170704, effective 1/1/97.)

A. Hearing required. A Commission must hold at least one public hearing before recommending action on a legislative matter.

B. Public notice for the hearing.

- 1. Notice area. The notice must be mailed to the regional transit agency, Metro, the Oregon Department of Transportation, all recognized organizations within the subject area, all recognized organizations within 1000 feet of the subject area, affected bureaus, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.
- 2. Notice time frame. The notice must be mailed at least 30 days prior to the hearing.
- 3. More than one Commission or hearing involved. The notice requirements of Paragraph 1. above apply to the initial hearing on the legislative matter, whether it is held by the Planning and Sustainability Commission, Design Commission, or Historical Landmarks Commission. When more than one hearing is held, additional notice will be made as follows:
 - a. To a specific time and place . If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing are stated, then no additional notice is required.
 - b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in Subparagraph a. above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested such notice. The notice must be mailed at least 14 days before the hearing.

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- **C. Report.** The Planning and Sustainability Director will prepare a report that includes an evaluation of applicable facts, Comprehensive Plan goals and policies, codes, plans, and any other policies or guidelines, responses, and comments received. The report will also include the Bureau of Planning and Sustainability recommendation. At least 10 days prior to the scheduled hearing, the report and recommendation must be filed with the review body and be made available to the public.
- **D. Additional information.** A Commission has the authority to request, receive, and examine additional information.

E. Commission recommendation and decision.

- 1. If a Commission decides that no action is appropriate, the matter is terminated. There is no appeal of the Commission's decision. If the City Council initiated the legislative action, the Commission must submit a report to the City Council on its recommendation not to act.
- 2. If the last Commission reviewing a legislative action recommends approval, a report and recommendation will be forwarded to City Council.

33.740.030 City Council Consideration

- **A. Hearing scheduled.** The City Auditor will schedule a public hearing and the Bureau of Planning and Sustainability will notify the Land Conservation and Development Commission (LCDC), in compliance with the post-acknowledgement procedures of the State.
- **B. Notice.** At least 14 days prior to the hearing, the Planning and Sustainability Director will mail notice to all persons who have individually responded to the matter in writing, testified at the previous hearing, or have requested such notice.
- **C. Council decision.** At the conclusion of its hearing, the Council may adopt, modify, or give no further consideration to the recommendation. If the decision is to adopt a Code or policy change which was originally authorized by ordinance, the Council must enact its decision by ordinance.

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