

# Comparison between Current and Proposed Policies for Public Involvement in the Land Use Process

Land Use and Development Review Tune-up Project  
Land Use File ZA-10-02 & CPA-10-03

## **TYPE I REVIEW** provides for administrative review of applications by the Director.

Type I applications involve outright allowed uses or development governed by clear and objective approval criteria and/or development standards that may require the exercise of professional judgment about technical issues.

*Examples: property line adjustments, temporary dwelling units, and shared parking arrangements.*

<u>PUBLIC INVOLVEMENT</u>	<u>CURRENT REQUIREMENT</u>	<u>PROPOSED REQUIREMENT</u>
Referral	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Mailed Notice	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Newspaper Notice	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Sign Notice	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• Unclear.</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal to PC.</li> </ul>

## **TYPE II REVIEW** provides for administrative review of applications by the Director.

Type II applications involve outright allowed uses or development governed by subjective approval criteria and/or development standards that may require the exercise of limited discretion.

*Examples: minor land partitions and accessory dwelling units.*

<u>PUBLIC INVOLVEMENT</u>	<u>CURRENT REQUIREMENT</u>	<u>PROPOSED REQUIREMENT</u>
Referral	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• 7 days after application complete.</li> </ul>
Mailed Notice	<ul style="list-style-type: none"> <li>• 300-foot notice 14 days prior to final decision.</li> </ul>	<ul style="list-style-type: none"> <li>• 300-foot notice 7 days after application complete with minimum 14-day comment period.</li> </ul>
Newspaper Notice	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Sign Notice	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• 7 days after application complete and until decision issued.</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• Elevation to PC w/ appeal to CC.</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal to PC.</li> </ul>

## **TYPE III REVIEW** provides for quasi-judicial review of applications by the PC.

Type III applications involve uses or development that may not be allowed outright and/or are governed by subjective approval criteria that require the exercise of discretion and judgment.

*Examples: subdivisions, conditional uses, community service uses, variances, and design review.*

<u>PUBLIC INVOLVEMENT</u>	<u>CURRENT REQUIREMENT</u>	<u>PROPOSED REQUIREMENT</u>
Referral	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• 7 days after application complete.</li> </ul>
Mailed Notice	<ul style="list-style-type: none"> <li>• 300-foot notice 20 days before hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• 300-foot notice 20 days prior to hearing. (400-foot notice 20 days prior to hearing for zoning map amendments.)</li> </ul>
Newspaper Notice	<ul style="list-style-type: none"> <li>• 2X before hearing: 14 &amp; 5 days</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Sign Notice	<ul style="list-style-type: none"> <li>• 10 days before hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• 14 days before hearing.</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• Appeal to CC.</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal to CC "on the record."</li> </ul>

**TYPE IV REVIEW** provides for quasi-judicial review of applications by the PC and CC.

Type IV applications involve uses or development that may not be allowed outright and/or are governed by subjective approval criteria that require the exercise of discretion and judgment. Type IV applications typically require a great deal of professional analysis and are broader in scale and/or impact than Type III quasi-judicial applications.

*Examples: planned developments, nonexpedited annexations, and historic resource deletions.*

<u>PUBLIC INVOLVEMENT</u>	<u>CURRENT REQUIREMENT</u>	<u>PROPOSED REQUIREMENT</u>
Referral	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• 7 days after application complete.</li> </ul>
Mailed Notice*	<ul style="list-style-type: none"> <li>• 400-foot notice 10 days before each hearing (per ZC). 400-foot notice 30 days before each hearing for Comp Plan map amendments (per CP).</li> </ul>	<ul style="list-style-type: none"> <li>• 400-foot notice 20 days before each hearing. Additional notice for zoning map amendments per ORS.</li> </ul>
Newspaper Notice	<ul style="list-style-type: none"> <li>• 2X before each hearing: 14 &amp; 5 days</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>
Sign Notice	<ul style="list-style-type: none"> <li>• 10 days before each hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• 14 days before each hearing.</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• Appeal to LUBA.</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal to LUBA.</li> </ul>

**TYPE V REVIEW** provides for legislative review of applications by the PC and CC.

Type V applications involve the creation, revision, or large-scale implementation of public policy. The widely variable nature of legislative applications makes prescriptive public involvement or notice requirements inadvisable. The Director develops tailored public outreach plans for each legislative application that frequently exceed the minimum requirements listed below. The PC and CC oversee all public outreach plans developed and implemented by the Director during the legislative adoption process.

*Examples: Comp Plan or Zoning Code map and/or text changes.*

<u>PUBLIC INVOLVEMENT</u>	<u>CURRENT REQUIREMENT</u>	<u>PROPOSED REQUIREMENT</u>
Referral	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Tailored to specific application.</li> </ul>
Public Involvement	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Tailored to specific application. Minimum required public notice: 30 days before each hearing on website and at City facilities.</li> </ul>
Mailed Notice	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Tailored to specific application and per ORS (e.g. property owner notice per Measure 56)</li> <li>• None.</li> </ul>
Newspaper Notice*	<ul style="list-style-type: none"> <li>• 2X before each hearing: 14 &amp; 5 days (per ZC). 30 &amp; 10 days (per CP).</li> </ul>	<ul style="list-style-type: none"> <li>• Tailored to specific application.</li> </ul>
Sign Notice	<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal to LUBA.</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• Appeal to LUBA.</li> </ul>	

\* Current inconsistency between Zoning Code and Comprehensive Plan.

Director = Planning Director PC = Planning Commission CC = City Council ZC = Zoning Code CP = Comprehensive Plan
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