

## 33.740 Legislative Procedure

# 740

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### 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

#### A. Hearing required.

1. A Commission must hold at least one public hearing before recommending action on a legislative matter.
2. When a legislative matter includes the establishment or amendment of any design standards in 33.420 or the establishment or amendment of any design guidelines for design review, at least one joint public hearing with the Planning and Sustainability Commission and the Design Commission is required before each commission recommends action on the subject matter assigned to them.
3. When a legislative matter includes the designation of a Historic District or Conservation District or the removal of a Historic District or Conservation District, at least one joint public hearing with the Planning and Sustainability Commission and the Historic Landmarks Commission is required before the Planning and Sustainability Commission recommends action on the designation or removal.

#### B. Public notice for the hearing.

1. Notice area. The notice must be provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, school districts, 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 provided at least 35 days prior to the first public hearing.
3. Notice content. The notice must contain the date, time and location of the first hearing, a summary of the legislative matter subject to the hearing, a map or description of the area affected by the legislative matter, and instructions on how to obtain a copy of the staff proposal and how to testify.

4. 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, or is a joint hearing. 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.
- 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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*(Amended by: Ord. No. 176469, effective 7/1/02; Ord. No. 188177, effective 5/24/18; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22.)*

