

CHAPTER 2.0 PUBLIC HEARINGS

Section 2.0.10 - BACKGROUND

The following procedures establish 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. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and
- b. Provide clear and consistent rules to ensure that the legal rights of individual property owners and the general public are protected.

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. Figure 2.0-1 - Estimated Time Frame for Quasi-judicial Hearings provides a summary of this process. **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.

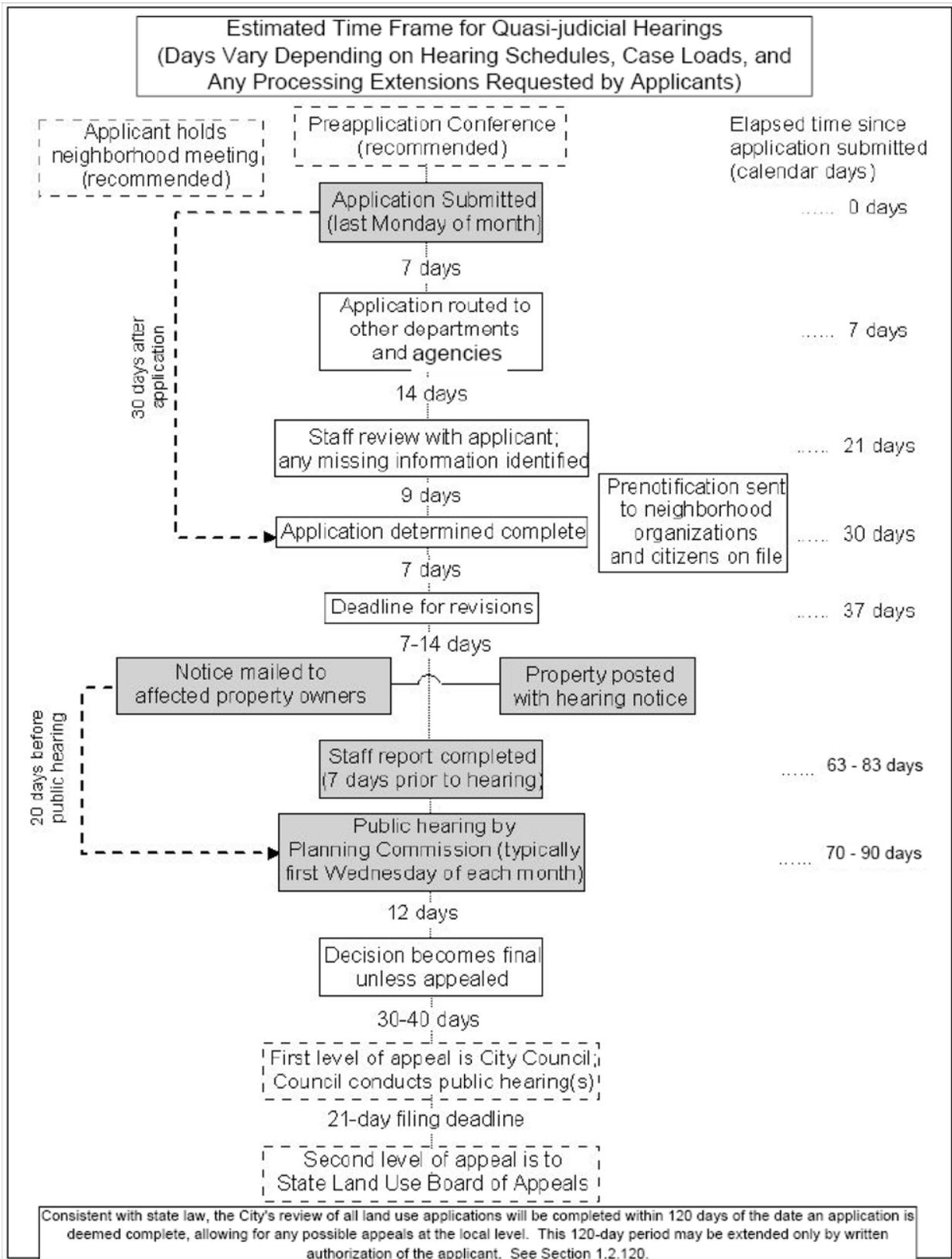


Figure 2.0-1 - Estimated Time Frame for Quasi-judicial Hearings

2.0.50.03 - Pre-notification to Neighborhoods

- a.** Pre-notification shall be provided to property owners and residents, neighborhood associations, organizations on file with the City as requesting such information, and organizations and persons whose property boundaries include or border the subject property. Pre-notification occurs before the 20-day time period referenced in Section 2.0.50.04.c. However, pre-notification is not required for: HRC-level Historic Preservation Permits and Zone Change applications to establish or remove a Historic Preservation Overlay.

Pre-notification shall contain the following information:

- 1. Date, time, and place of hearing;
 - 2. Nature of the proposed development, and proposed uses that could be authorized;
 - 3. Address, legal descriptions, or some other means of identifying the subject property; and
 - 4. Name and phone number of a staff member from whom additional information can be obtained.
- b.** When pre-notification is required per “a,” above, it shall be sent to neighborhood contact persons and any citizen or organization who has requested such information. These pre-notification mailing lists shall be updated annually.
 - c.** When pre-notification is required per “a,” above, it shall be mailed within approximately 30 days of a pending land use application’s submittal, or when an application for a pending land use action is deemed complete by City staff.

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 citizens 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 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;
 - 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;
 - i) Major Lot Development Options; and
 - j) Floodplain Development Permit Variances.
3. 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; and
 - h) Sign Variance;

4. Tenants of an existing Manufactured Dwelling Facility for which a Zone Change is proposed;
 5. 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;
 6. 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;
 7. Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies;
 8. Any other resident owner of property whom the Director determines is affected by the application; and
 9. 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.
 10. 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.** 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. 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. 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 2.0.60 - 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.

