



CLATSOP COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, September 13, 2016

10:00 a.m.

Guy Boyington Building

857 Commercial Street

Astoria, OR 97103

1. CALL MEETING TO ORDER

2. FLAG SALUTE

3. ROLL CALL

4. ADOPT AGENDA

5. BUSINESS FROM THE PUBLIC:

This is an opportunity for anyone to give a brief presentation about any land use planning issue or county concern that is not on the agenda.

6. MINUTES:

- Regular Meeting Minutes July 26, 2016

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7. HEARING: Continuation of legislative hearing regarding Comprehensive Plan and Land and Water Development and Use Code amendments regarding the Southwest Coastal Citizens Advisory Committee and development standards in Arch Cape. Staff: Heather Hansen, Community Development Director

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8. OPEN DISCUSSION:

This is an opportunity for the commission to discuss topics of interest.

9. ADJOURN

NOTE TO PLANNING COMMISSION MEMBERS: Please contact the Community Development Department (503-325-8611) if you are unable to attend this meeting.

ACCESSIBILITY: This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting by contacting the Community Development Land Use Planning Division, 503-325-8611.

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Minutes of July 26, 2016
Clatsop County Planning Commission
Regular Session
Judge Guy Boyington Building
857 Commercial Street
Astoria, Oregon 97103

8 The regular meeting was called to order at 10:00 a.m. by Chair Francis.

9

10 <u>Commissioners Present</u>	10 <u>Commissioners Absent</u>	10 <u>Staff Present</u>
11 Bruce Francis		11 Clancie Adams
12 Myrna Patrick		12 Heather Hansen
13 Thomas Merrell (departed 10:50 a.m.)		13 Chris Crean
14 Michael Magyar		14 Julia Decker
15 Christopher Farrar		
16 Robin Risley		
17 Bill Cook		

18
19 **Agenda Adoption:**

20 *Commissioner Patrick moved and Commissioner Farrar seconded to adopt the agenda as presented. Motion*
21 *passed unanimously.*

22
23 *Chair Francis introduced and welcomed newly appointed Commissioner, Bill Cook.*

24
25 **Business from the Public:**

26 There was no business from the public.

27
28 **Minutes:**

29 *Commissioner Patrick moved and Commissioner Magyar seconded to approve the July 12 2016 Clatsop*
30 *County Planning Commission Regular Meeting minutes as corrected. Motion passed with Commissioner's*
31 *Cook and Risley abstaining.*

32
33 **Election of Chair and Vice-Chair:**

34 *Commissioner Risley moved and Commissioner Patrick seconded to appoint Bruce Francis Chair of the*
35 *Planning Commission. Motion passed unanimously.*

36
37 *Commissioner Risley moved and Commissioner Farrar seconded to appoint Thomas Merrell Vice Chair of the*
38 *Planning Commission. Motion passed unanimously.*

39
40 **Continuation of a quasi-judicial hearing to consider final written findings to deny a zoning map**
41 **amendment from Rural Community Residential to Rural Community Multi-Family Residential on 10.4**
42 **acres of land in the Miles Crossing area, and a conditional use permit for a 48-unit multi-family**
43 **development. The applicant is Richard Krueger and Bella Ridge Apartments, LLC. The property is**
44 **commonly known as 92257 Lewis & Clark Rd, Astoria, OR. Staff: Heather Hansen, Community**
45 **Development Director**

46
47 **Commissioner Risley stated she had read the minutes from the July 26, 2016 meeting as she was unable**
48 **to attend.**

1 Commissioner Cook recused himself as he was not a sitting Commissioner at the July 26, 2016 Planning
2 Commission meeting.

3
4 *Chair Francis called the hearing to order at 10:12 a.m.*

5
6 **No ex-parte contacts, or site visits were reported at this time.**

7
8 **Commissioner Magyar recused himself from hearing this issue due to a possible conflict of interest.**

9
10 **No challenges to the Planning Commission's right to determine this matter or the participation of any**
11 **commission member in this hearing or decision were reported at this time.**

12
13 **Heather Hansen, Clatsop County Community Development Director.**

14 Ms. Hansen presented the proposed amendment to the original finding for review.

15
16 **Chair Francis declared the testimony closed at 10:13 a.m.**

17
18 *Commissioner Merrell moved and Commissioner Risley seconded to approve the findings for denial for the*
19 *zone change based on criterion 5.412(3)(D) and the July 28, 2016 Notice of Decision. Motion passed with*
20 *Commissioners Cook and Magyar abstaining.*

21
22 **Quasi-judicial hearing regarding a zoning map amendment from Arch Cape Rural Community Residential**
23 **to Rural Community Commercial on 0.61 acres of land in the Arch Cape area. The applicant is Butch**
24 **Coleman Trust on behalf of Harry E. Coleman IV. The property is commonly known as 79328 Highway**
25 **101, Arch Cape, OR. Staff: Julia Decker, County Planner**

26
27 *Chair Francis called the hearing to order at 10:15 a.m.*

28
29 **No ex-parte contacts, conflicts of interest or site visits were reported at this time.**

30
31 **No challenges to the Planning Commission's right to determine this matter or the participation of any**
32 **commission member in this hearing or decision were reported at this time.**

33
34 **Julia Decker Clatsop County Community Development Planner.**

35 Ms. Decker reviewed the staff report outlining a zone change from Arch Cape Rural Community Residential
36 to Rural Community Commercial for property located behind the old Arch Cape Deli Building along Highway
37 101. The Arch Cape Design Review Committee voted to recommend approval at their July 12, 2016
38 meeting. She reviewed correspondence received from the Cannon Beach Fire Chief, Arch Cape Water and
39 Sanitary District, Clark County Public Works, and ODOT. Ms. Decker also reviewed the recommended
40 conditions of approval, zone change criteria and allowed conditional uses. She noted the amount of land
41 being converted is approximately 26,500 square feet and is adjacent to existing RCC zoned land in the same
42 ownership. The rezone would continue to consolidate commercial development to the existing RCC zoned
43 area as required by the community plan. Future development would be reviewed for consistency with the
44 provisions of the Land Use Ordinance. Staff proposed approval of the zoning map amendment with
45 conditions of approval.

1 **Debra Birkby, 79829 Gelinsky, Arch Cape, OR.**

2 Ms. Birkby spoke in favor of the zone change as the change will allow the Arch Cape commercial center to
3 expand since many of the commercial properties in Arch Cape are currently being used in a residential
4 manner, limiting commercial possibilities.

5
6 **Chair Francis declared public testimony closed at 10:46 a.m.**

7
8 *Commissioner Farrar moved and Commissioner Magyar seconded to approve application #20150412 for a*
9 *zoning map amendment and adopt the findings in the staff report and conditions of approval. Motion*
10 *passed unanimously.*

11
12 **Chair Francis called for a recess at 10:50 a.m. and reconvened the meeting at 11:02 a.m.**

13
14 **Legislative hearing regarding Comprehensive Plan and Land and Water Development and Use Code**
15 **amendments regarding the Southwest Coastal Citizens Advisory Committee and development standards**
16 **in Arch Cape. Staff: Heather Hansen, Community Development Director**

17
18 **Chair Francis called the hearing to order at 11:03 a.m.**

19
20 **No conflicts of interest were reported.**

21
22 **Mike Manzulli, 80285 Woodland Heights, Arch Cape, OR.**

23 Mr. Manzulli challenged the Planning Commission's authority to hear this matter due to the county's failure
24 to provide adequate hearing notice to affected property owners and DLCD, and the staff report relies on
25 the February BOC (Board of Commissioners) meeting as authority to make revisions to the comp plan and
26 ordinances but due to the LUBA remand, the February decision is ineffective.

27
28 **Chris Crean, County Counsel**

29 Mr. Crean responded that Mr. Manzulli's concerns regarding alleged procedural errors do not affect the
30 jurisdiction of the planning commission to hear the text and comprehensive plan amendments.

31
32 **Heather Hansen, Clatsop County Community Development Director:**

33 Ms. Hansen stated that on February 10, 2016 the BOC passed a resolution to discontinue the Southwest
34 Coastal Citizens Advisory Committee (SCCAC) effective immediately and directed staff to prepare
35 amendments to the Comprehensive Plan and Land and Water Development Use Code reflecting this
36 decision. The decision was appealed to LUBA which ruled discontinuing the SCCAC required the county to
37 follow a legislative comprehensive plan and development code amendment process. The LUBA decision did
38 not affect the board's directive to prepare the amendments as they can direct staff to prepare
39 amendments at any time without a resolution. Staff is now conducting the legislative hearing process
40 started in May 2016. Ms. Hansen presented a summary of the proposed amendments and provided the
41 following information:

- 42 • The SCCAC met on July 12, 2016 and a summary of the oral testimony from that meeting has been
43 provided for review. The SCCAC has not reviewed or approved the minutes from that meeting making
44 them unavailable at this time. The SCCAC voted to deny the amendments citing they are inconsistent with
45 Goal 1 - Citizen Involvement and the Southwest Coastal Community Plan.
- 46 • All property owners located in the Arch Cape overlay were notified in writing of the July 12, 2016 SCCAC
47 meeting, and provided a web link to view meeting materials and contact information for questions or

1 comments. Public notice was published for both the SCCAC and Planning Commission meetings in all local
2 news media.

- 3 • A copy of an e-mail from Patrick Wingard, DLCD, confirming that proper DLCD notification procedures
4 were followed was provided.
- 5 • Retaining a citizen advisory committee is not a state requirement. CAC's were formed in the late 1970's
6 to advise on the development of community plans and were not formed to hold public hearings on CUP's,
7 variances or house plans.
- 8 • Other ways to implement Goal 1 are addressed in the proposed amendments including ad-hoc advisory
9 committees, community organization notifications, and project postings and neighborhood meetings.

10
11 **John Piatt, 79896 Cannon Road, Arch Cape, OR:**

12 Mr. Piatt provided background information on the formation of the Arch Cape Community Club and CAC.
13 He stated his surprise that the BOC voted to discontinue the CAC after a 40 years of continued involvement
14 with no evidence given to suggest the committee made inappropriate recommendations or used any
15 authority not delegated to it by the county. Mr. Piatt asked for a clear understanding of why the change is
16 being made now and how will it improve community involvement.

17
18 **Charles Dice, 31911 Clatsop Lane, Cove Beach, OR**

19 Mr. Dice is a member of the Arch Cape Community Club and resides in Falcon Cove. The CAC and design
20 review board has operated for many years as an asset but in past few years things have not gone as
21 smoothly due to county staff involvement. He also feels there is an unfair bias as staff and counsel have
22 their own agenda as well as unfettered access to rebut issues and analyze public comments that the public
23 does not have. Mr. Dice asked the commission to take into account the public comment and what people
24 would like to see for their community.

25
26 **Virginia Birkby, 79829 Gelinsky, Arch Cape, OR.**

27 Ms. Birkby is a full time resident and property owner in Arch Cape who has served two terms on the SCCAC.
28 The Clatsop County Comprehensive Plan provides for citizens advisory committees in communities to
29 maintain and enhance the quality of their own unique area including maintaining residential character,
30 housing, public facilities, transportation, open space, recreations and scenic and natural areas. The Arch
31 Cape CAC provides continuity, historical perspective and follow through which is essential to offset the
32 unusually high land use planning staff turnover in Clatsop County. Ms. Birkby asked the commission to
33 maintain the Arch Cape Citizens Advisory Committee and postpone the amendments to enable maximum
34 community participation.

35
36 **Debra Birkby 79829 Gelinsky, Arch Cape, OR.**

37 Ms. Birkby stated she is familiar with reviewing staff reports and feels it is an improper decision making tool
38 as it is the opinion of one person and doesn't provide input from those people affected. She questioned
39 why during the term of an interim County Manager did the BOC decide to dissolve the CAC as well as the
40 decision to notify only organized community entities of planning decisions or upcoming meetings limiting
41 the community involvement in land use decisions. She feels the county is hiding behind the term "legal
42 liability" which the CAC presents to the county. Ms. Birkby cited examples of staff changes in interpreting
43 code with turnover. She requested the people of Arch Cape continue to be the first step in planning for
44 their community and not be left to defend themselves against the wishes of staff members that are not
45 elected or appointed.

46
47 **Mike Manzulli 80285 Woodland Heights, Arch Cape, OR.**

48 Mr. Manzulli moved to Arch Cape because there was a community group working grassroots and making
49 recommendations directly to the county. The July 12, 2016 CAC meeting had 40 plus residents and property

1 owners in attendance. The CAC fills the gaps in staff reports with their local knowledge and they have
2 always wanted to work with the county but feels the relationship is adversarial. Mr. Manzulli feels Arch
3 Cape cannot afford to lose their local voice in future development and code revisions that protect
4 community assets, natural resources, and livability and doesn't trust the county to keep those things in
5 effect. He encouraged the commission to follow the recommendation of the committee by taking no action
6 today and working to find a better solution than dissolution.

7
8 **Theodore Lundy, 2553 Grand Ave., Astoria, OR.**

9 Mr. Lundy has owned a short term rental property in Arch Cape for 40 years and served on the SCCAC for
10 many years, most recently as Chair. He doesn't feel there is work duplication for staff as in most cases the
11 CAC agrees with staff. On the few occasions when staff and the CAC don't agree, the CAC tries to follow the
12 zoning ordinance but sometimes it is interpreted differently and that's to everyone's advantage as two
13 sides are presented. Mr. Lundy went on to cite examples where the CAC has resolved neighbor conflicts.
14 The July 12, 2016 CAC meeting was held to a full fire hall and even though only 14 people actually testified,
15 there was a large community voice in favor of continuing the CAC. He asked the commission to retain the
16 committee and review the proposed amendments with community meetings and input.

17
18 **Linda Eyerman, 80296 Pacific Ave, Arch Cape, OR.**

19 Ms. Eyerman has owned property in Arch Cape property for 17 years, is a part time resident and has served
20 on the SCCAC committee for four years. She recapped the written testimony she submitted regarding the
21 range of issues the CAC deals with. She was a petitioner in the case of Jensvold vs. Clatsop County
22 challenging the BOC decision to dissolve the CAC to LUBA and reviewed her interpretation of the ruling. Ms.
23 Eyerman's opinion is the CAC can't and shouldn't be dissolved due to its value to the county and Arch Cape.
24 The CAC members are appointed by the BOC making them a part of the governing structure with a role in
25 making recommendations, holding hearings and providing input.

26
27 **Chris Crean, County Counsel**

28 Mr. Crean responded to a question from the Commission as follows:
29 The BOC is the body that adopted the Comp Plan and all its content. It has the authority to amend it as it
30 deems appropriate without demonstration of compliance with the criterion. An interpretation has been put
31 forward that the committee can continue as long as it meets and remains active. This interpretation
32 elevates the CAC giving it veto authority over the elected BOC and subverts the hierarchy of legal authority
33 in the county. The BOC has the authority to establish policy for the county including creation or termination
34 of advisory committees and there's no authority for the proposition that an appointed advisory committee
35 has authority superior to the BOC.

36
37 **Gordon Church, 79878 Highway 101, Arch Cape, OR.**

38 Mr. Church and his family have owned property in Arch Cape for at least 68 years. He voiced concerns
39 regarding justification for dissolving a committee that has been active for 35-40 years. He feels the
40 replacement of the CAC with ad-hoc committees eliminates the continuity the committee has
41 demonstrated during its existence and loses the history and structure of the CAC's involvement with the
42 county. He questioned how much burden the CAC creates on staff and asked for an explanation of the
43 restructuring of the ordinances as adequate answers have not been provided. Mr. Church feels if the
44 burden on staff has become overwhelming, the CAC members and the citizens of Arch Cape would be
45 willing to talk about ways to streamline the process.

46
47 **Steve Pinger, 80098 Pacific Road, Arch Cape, OR.**

48 Mr. Pinger stated the CAC provides great benefit to the residents of Arch Cape with its presence and effect
49 on design guidelines. The CAC's ongoing interpretation and flexibility with design guidelines sustain the

1 qualities of the natural environment that exists in the Arch Cape area and provides an essential increment
2 in the political system and environment of the county. The dissolution of the CAC and rewriting the
3 ordinance seems as if it is solving some problem other than staff burden and is a more extreme measure
4 than is warranted. Mr. Pinger feels there may be other models of community organizations that would
5 maintain the benefits that are currently offered by the CAC but asked that an alternative be in place before
6 the CAC is dissolved.

7
8 **Chris Crean, County Counsel**

9 Mr. Crean responded to testimony as follows:

- 10 • LUBA didn't reach a final decision on the merits of the BOC resolution but did say the resolution had two
11 operative sections. The first terminated the committee and the second directed staff to prepare
12 comprehensive plan and development code amendments to remove the committee from those
13 documents. That was the last instruction received from the BOC and staff is not free to ignore that. The
14 LUBA decision affected the first part of the resolution saying dissolution of the committee would have to
15 go through the legislative amendment land use process and that is what we're doing today. The process
16 for initiating legislative amendments to the county's Comprehensive Plan and relative code can come
17 from the county manager, staff, citizens, etc.
- 18 • Addressed the assertion that the Planning Commissioners and County Commissioners are discouraged
19 from going outside the staff report in making a decision. Explained the differences between legislative
20 and quasi-judicial hearings including the decision making criteria and allowed evidence.
- 21 • Why is this happening now? When laws are adopted it takes time for them to be implemented at the
22 local level. He referenced House Bill 3661 with which was approved in 1993 and its impacts on statute
23 197.763 which set very specific requirements for evidentiary hearings on quasi-judicial land use
24 applications. By the year 2000 it became clear that the SCCAC was holding evidentiary hearings requiring
25 they comply with those requirements and requiring staff to prepare a staff reports, prepare and publish
26 meeting notices, take minutes and generally becoming more active in the committee meetings. This also
27 raises the issue of legal liability in regards to ADA claims, hostile work environment, etc. If the committee
28 was a community association or neighborhood association, not part of the county, there would be no
29 concerns but because the committee provides a formal role on behalf of the county, anything it does
30 potentially creates liability for the county.
- 31 • Written notice of the legislative amendments were sent to the sewer district, community club and every
32 property owner in Arch Cape. The proposed text amendment would still require notice to property
33 owners within a certain distance of the proposed development per state law.
- 34 • The CAC creates an additional process resulting in time delays to applicants and additional costs to the
35 county in staff time.
- 36 • There's nothing in Goal 1 that requires an advisory committee in Arch Cape. There is a citizen
37 involvement process throughout the county, including Arch Cape. The amendments recommend adding a
38 process for recognizing local community organizations which allows Arch Cape citizens to become
39 advocates rather than advisors.

40
41 Discussion and questions between Planning Commission members, staff and counsel.

42
43 ***Chair Francis declared testimony closed at 1:14 p.m.***

44
45 *Chair Francis moved and Commissioner Magyar seconded to continue the hearing to September 10, 2016 to*
46 *allow staff time to prepare and present options and alternatives. Motion passed Unanimously.*

47
48 **Other Business:**

1 Ms. Hansen spoke to the Commission regarding the possibility of parliamentary procedure training at a
2 future meeting.

3
4 ***As there was no further business or discussion, Chair Francis adjourned the meeting at 1:38 p.m.***

5
6 Respectfully Submitted,

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8
9
10 _____
11 Bruce Francis
Chairperson - Planning Commission

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ADDENDUM to Staff Report

Ordinance 16-03:

Legislative Text Amendments to the Comp Plan and LWDUO related to the Southwest Coastal Citizens Advisory Committee, Arch Cape Rural Community Overlay, and Additional Requirements for Citizen Involvement

ADDENDUM DATE:	September 6, 2016
HEARINGS:	Clatsop County Planning Commission-September 13, 2016 Clatsop County Board of Commissioners-September 28 & October 12, 2016
APPLICANT:	Clatsop County
REQUEST:	Legislative Text Amendments to the Clatsop County Comprehensive Plan ("Comp Plan") and the Clatsop County Land and Water Development and Use Ordinance ("Development Code") discontinuing the Southwest Coastal Citizens Advisory Committee (SCCAC), amending sections related to development in the Arch Cape Rural Community Overlay, and adding requirements for citizen involvement
STAFF:	Heather Hansen, Community Development Director
ATTACHMENTS:	ADDENDUM to Attachment B-Proposed LWDUO Text Amendments of the July 18, 2016 staff report.

At the last Planning Commission meeting on July 26, 2016 staff was asked to return with options for encouraging citizen involvement in Clatsop County, including options for keeping the county-appointed SCCAC intact. Considering that the proposed additional text amendments further enhance Goal 1-Citizen Involvement, there is no need to amend the findings and conclusions in the July 18, 2016 staff report.

Options for Retaining the County-Appointed SCCAC: In light of the Board's specific direction to staff to initiate Comp Plan and Development Code amendments to dissolve the SCCAC, County Manager Cameron Moore advised that there is no point in staff spending time exploring options for retaining the SCCAC. He also pointed out the following:

- Even if an advisory committee isn't staffed by the County and doesn't have any role in a quasi-judicial process, the County will still be liable for committee actions and the County will be required to ensure the committee complies with public records and public meetings laws.
- Anyone can review and comment on land use applications, and the proposed amendments provide additional opportunities.
- Citizens anywhere in Clatsop County can form their own organization and meet to review and comment on land use applications.

Options for Encouraging Citizen Involvement throughout Clatsop County: The following is a summary of current and proposed options for citizen involvement in land use decisions:

Goal 1-Citizen Involvement: Methods by Land Use Application Type

Existing Methods	Type II*	Type IIA*	Type III*	Type IV*
Written notice to adjacent property owners (100-750 ft)	✓	✓	✓	✓
Public Hearing – Planning Commission or Hearings Officer	NA	✓	✓	✓
Published Notice of Hearing	NA	✓	✓	✓
Advisory Committees formed as needed for major legislative proposals, e.g., North Clatsop Plains, Tsunami Hazard Overlay, Farm & Forest Code Update, Transportation System Plan, etc	NA	NA	✓	✓
Open Houses, Workshops, Community meetings held as needed for major legislative amendments, e.g., Tsunami Hazard Overlay, Transportation System Plan, etc	NA	NA	✓	✓
Proposed Methods (Ordinance 16-03)	Type II*	Type IIA*	Type III*	Type IV*
NEW: Applicant-Neighborhood meeting requirement for certain quasi-judicial land use decisions (<i>see ADDENDUM to Attachment B</i>)	Multi-family, commercial, or industrial development abutting single-family; Major subdivision; Cluster & Planned Development; Rezone; Goal exception; Others deemed by the Director to have potential for significant neighborhood impact			
NEW: Posting property subject of quasi-judicial public hearing (<i>see ADDENDUM to Attachment B</i>)	NA	✓	✓	✓
Written notice to state-registered community organizations (<i>see 7/18 staff report-Attachment B</i>)	✓	✓	✓	✓
NEW: Department procedure to post documents related to land use applications on county website, e.g., application, notices, staff report, etc. (<i>in process</i>)	✓	✓	✓	✓

* **Examples of Land Use Actions by Type:**
 Type II (no hearing required) - conditional uses (limited impact), minor subdivisions (6 lots or less), partitions, nonconforming uses and structures,
 Type IIA (hearing is required) – conditional uses (greater potential impact), variances
 Type III-major subdivisions (>6 lots), quasi-judicial rezone that is consistent with comp plan, conditional uses (with greatest potential impact), similar use determination
 Type IV-quasi-judicial rezone that is NOT consistent with comp plan, legislative amendments

CLATSOP COUNTY

ORDINANCE 16-03

**LEGISLATIVE TEXT AMENDMENTS RELATED TO THE
SOUTHWEST CITIZENS ADVISORY COMMITTEE, ARCH
CAPE RURAL COMMUNITY OVERLAY, AND ADDITIONAL
REQUIREMENTS FOR CITIZEN INVOLVEMENT**

ADDENDUM to **PROPOSED LAND AND WATER
DEVELOPMENT AND USE ORDINANCE TEXT
AMENDMENTS**



*NOTE: These proposed sections are all new code language but are NOT shown as **bold double underline** for ease of reading*

Section 2.046 Applicant-Neighborhood Meeting.

The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their proposed development may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. Applicants are encouraged to reconcile as many public concerns as possible before submitting their land use application(s). County staff will attend the neighborhood meeting in an advisory capacity to answer questions.

- (1) The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:
 - (A) Multi-family development that abuts a single-family zoning district;
 - (B) Commercial or industrial development that abuts any residential zoning district;
 - (C) Manufactured home park adjacent to any residential zoning district;
 - (D) Major subdivisions;
 - (E) Cluster and planned development;
 - (F) Quasi-judicial map amendments;
 - (G) For other applications or revisions to applications that the Director determines may have a significant neighborhood impact, such as conditional uses, expansion of nonconforming uses, variances. In these cases, the Director shall determine the minimum notice area for the neighborhood meeting.

- (2) Neighborhood Meetings must meet the following requirements:
 - (A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development and availability of staff to attend.
 - (B) The applicant shall send mailed notice of the public meeting to the Community Development Department Director and all property owners within a minimum distance of 300 feet of the boundaries of the subject property with the specific area to be determined by the Director based on the project scale, land use and transportation patterns or anticipated public interest in the project. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.030, notice shall be sent to the designated representative(s) of such neighborhood or community organization. The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll.

The notice shall be sent a minimum of 10 days and no more than 30 days before the meeting, and shall include:

- 1) Date, time and location of the public meeting;
- 2) A brief written description of the development proposal and proposed use(s) with enough specificity so that the project is easily discernable;
- 3) The location of the subject property(ies), including address (if applicable), nearest cross streets and any other easily understood geographical references, and a map that depicts the subject property.

*NOTE: These proposed sections are all new code language but are NOT shown as **bold double underline** for ease of reading*

- (C) The applicant's presentation at the neighborhood meeting shall include:
 - 1) A map depicting the location of the subject property(ies) proposed for development.
 - 2) A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any proposed structures, when applicable.
 - 3) A description of the nature of the proposed use(s) including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
 - 4) The expected or anticipated impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.).
 - 5) Mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
 - 6) An opportunity for the public to provide comments.
- (D) The applicant shall take meeting notes and submit them to the County, including:
 - 1) Meeting date and time;
 - 2) Name and address of all in attendance;
 - 3) Summary of issues raised and comments made at the meeting, and the applicant's responses.
- (3) A land use application will not be deemed complete until the applicant demonstrates substantial compliance with this section by including the results of the neighborhood meeting and supporting documentation with the application. This includes:
 - (A) A copy of the notice to surrounding property owners;
 - (B) A signed affidavit of mailing the required notice of neighborhood meeting;
 - (C) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email at the meeting, and the applicant's responses;
 - (D) A copy of the meeting notes as described in Subsection (2)(D) above.
 - (E) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.

Section 2.111 Posted Notice of a Public Hearing.

Development sites that are the subject of quasi-judicial public hearings shall be posted unless otherwise noted in this Code.

- (1) County and Applicant's Responsibilities:
 - (A) The County shall supply the notices that the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed.
 - (B) The County shall provide an affidavit to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the County's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the 150-day period in a timely manner.
 - (C) The Applicant shall post the notice either ten or twenty consecutive days before the first scheduled public hearing on the matter in accordance with Section 2.110
 - (D) The Applicant shall return the signed affidavit of posting, with a photo of the sign attached, at least seven full days before any hearing.

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- (E) If the subject property is not properly posted as described in Section 2 below, the Director may postpone the hearing until such provisions are met.
- (2) **Number and Location.** The applicant must place the notices:
 - (A) On each frontage of the subject property in a location visible from a traveled public road or street abutting the property. If no public street abuts the property, the notice shall be placed so as to be generally visible to the public.
 - (B) Notices shall not be posted within the public right-of-way or on trees.
 - (C) The applicant shall remove all signs and return them to the County within ten days following the public hearing that is the subject of the notice.
 - (D) If the subject property is located where the posting would not be visible to anyone other than adjacent property owners who received written notice, alternative locations visible to the public may be determined by the Community Development Director. These may include posting in a conspicuous place at the point the property obtains access to a County or public road.