

## ORDINANCE NO. 21-191-02

### AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REDUCE THE NOTIFICATION REQUIREMENT FOR LEGISLATIVE AMMENDMENTS TO 35 DAYS.

#### Executive Summary

The Department of Land Conservation and Development (DLCD) requires local governments to submit written notification when proposing certain legislative changes including land use regulation changes, Comprehensive Plan amendments, and changes to the Urban Growth Boundary. These submittals are referred to as Post-Acknowledgement Plan Amendments or PAPAs as described in OAR 660-018-0020. At the time the City Development Code was written, this information had to be submitted to DLCD's Salem office on provided forms 35 days in advance of the first hearing on the matter. The City of John Day at the time elected to require an additional 10-day buffer to provide time for mailing, review, and re-submission if necessary.

DLCD now prefers that notices be submitted electronically through their web-based program "PAPA Online" which allows for prompt review and eliminates the need for 45-day notice. These submissions can be amended by city staff as new information is added and records can easily be accessed electronically by the general public. As a result of these updates, the City code requirement has become burdensome and unnecessary. This code amendment will align the City requirement with state requirements by reducing the notification period from 45-days to 35-days. This amendment also removes the requirement for including a certificate of mailing.

- Comments are provided in **boldface** to prompt the reader
- Strikeout language (~~example~~) is shown where language is proposed for removal
- Double Underlined language shows a proposed addition

#### 5-4.1.050 Type IV Procedure (Legislative)

##### D. Notice of Hearing.

1. Required hearings. A minimum of two (2) hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.
2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:
  - a. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any Land Use

District Change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

- (1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
  - (2) Any affected governmental agency;
  - (3) Any person who requests notice in writing;
  - (4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
  - (5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
- b. At least ten (10) days before the scheduled Planning Commission public hearing date, and fourteen (14) days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
- c. The City Planning Official shall:
- (1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and
  - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
- d. **The Oregon Department of Land Conservation and Development (DLCD) shall be notified electronically or in writing of proposed comprehensive plan and development code amendments at least ~~forty-five (45)~~ thirty-five (35) days before the first public hearing at which public testimony or new evidence will be received. ~~The notice to DLCD shall include a DLCD Certificate of Mailing.~~**
- e. Notifications for annexation shall follow the provisions of this Chapter.