

Procedures –Legislative Amendments

5/22/2011

These draft procedures are intended to complement the legislative procedures found in CDC Chapters 98, 100 and 105.

✓	TASK
	<p>Develop a work program</p> <p>1. Scope the project. Identify topics and issues to be addressed and stakeholders. Give the Planning Commission the option of participating in the initial project scoping.</p>
	<p>2. Develop a draft work program and schedule</p> <p>a. Consider alternative approaches for conducting the project (e.g., use of a stakeholder/technical advisory committee, a Planning Commission subcommittee, staff generated, etc), the need for consultants/technical expertise, and the associated time and budget implications.</p>
	<p>b. - Identify the approach for involving the public/stakeholders. - Determine if the preliminary draft will be presented to the public for informal review and, if so, how (see task 10). If so, provide sufficient time in the schedule for affected neighborhood associations and interest groups, etc. to review and comment on the draft(s) given their meeting schedule.</p>
	<p>c. Provide for internal review of the draft as outlined in task 7.</p>
	<p>d. Propose check-in points for the Planning Commission and City Council. (At a minimum, the Director will provide periodic project updates the Council may ask for a full project briefing at that time).</p>
	<p>3. Review/finalize the draft work program.</p> <p>a. Submit the preliminary draft of the work program to the Director and come to agreement regarding the project approach, schedule and check-in points.</p>
	<p>b. Summit the work program to the Planning Commission for review and refinement. Come to agreement on the project approach, their role and check-in points, including whether they want to review/refine the draft before it is released for public review (see Task 14).</p>
	<p>c. Submit the work program to the City Manager. He will forward it to the City Council if needed to:</p> <ul style="list-style-type: none"> - Determine whether the City Council wants to be briefed regarding the work program; - Confirm the check-in points with the City Council; and - Determine if a joint Planning Commission/City Council work session is desired (e.g., during the formative stage of the project to ensure that everyone is in alignment regarding the project scope and direction or to help to help shape the draft/decide upon alternative approaches prior to the release of the draft to the public.

	<p>Prepare and refine proposed amendments</p> <p>4. Set up the project file with Shauna and maintain it consistent with 98.040A (5).</p>
	<p>5. Develop draft amendments per the work program.</p>
	<p>6. Version control. Identify and date each draft (e.g., Planning Commission public hearing draft, City Council public hearing draft). If there are multiple versions before the same body, identify each version by number and date in a footer.</p>
	<p>7. Conduct internal review of the initial draft per the work program.</p>
	<p>a. Provide for review by planning staff and other departments that could be affected; revise as warranted before the Director’s review.</p>
	<p>b. Submit the draft for the Director’s review. Allow at least 3 days, but preferably 1 week, for comments and sufficient time to make revisions; revise as appropriate before submitting for legal review.</p>
	<p>c. Provide for legal review following the Director’s review – allow at least one week turn around unless legal staff commit to a speedier review; revise as appropriate.</p>
	<p>8. Option: Conduct Planning Commission and City Council review of the preliminary draft to discuss alternatives under consideration, issues, etc to be sure that the project is headed in the right direction.</p>
	<p>9. Submit the LCDC Notice of Proposed Amendment (FORM 1), unless exempt by ORS 197.610(2), so it is received at least 45-days prior to first Planning Commission hearing. Submit an electronic copy by email to larry.french@state.or.us. On the same day, mail one hard copy to:</p> <p style="text-align: center;">Attention: Plan Amendment Specialist Department Of Land Conservation and Development 635 Capitol Street NE, Suite 150 Salem, Oregon 97301-2540</p> <p><i>(Note: The step above could occur earlier in the process if necessary to expedite the project.)</i></p>
	<p>10. Option: Provide for review of the preliminary draft by interested parties (e.g., neighborhoods, interest groups and other knowledgeable people) following internal review (e.g., open houses, forums, neighborhood meetings, workshops, etc). Revise in response to public comments.</p>
	<p>Planning Commission hearing</p> <p>11. Schedule Planning Commission briefing, hearing, and post hearing work session dates with Teresa, as appropriate.</p>
	<p>12. Draft the staff report. See CDC 98.040A(2)(b) for minimum contents.</p>
	<p>13. Submit the draft staff report for the Director’s review. Allow at least 3 working days for review. Revise as appropriate</p>

	14. Planning Commission briefing. Give the Planning Commission the option of a project briefing two weeks before the public hearing or before the public hearing notice goes out, if they want the opportunity to make changes to the public hearing draft.
	15. Legal notice. a. Produce a list of those to receive notice per CDC 98.070.
	b. Prepare a draft legal notice consistent with CDC 98.070 and 98.080. and submit it for the Director’s review at least 1 day before it is due to Shauna. Revise as appropriate.
	c. Submit the final legal notice to Shauna at least 24 days prior to the hearing.
	d. Publication in paper. Shauna submits the legal to provide to the paper at noon 7 days in advance of publication which occurs two weeks prior to the hearing; Teresa puts the affidavit of publication in the project file.
	e. Shauna sends the notice (Type A) 20 days in advance of the Planning Commission hearing to affected government agencies (e.g., Metro, Trimet and ODOT), neighborhood associations, advisory committees, people with standing, and interested people consistent with CDC 98.070.
	16. Post the draft amendments concurrent with publication of the hearing notice. Make a few paper copies of the draft available to the public. (<i>Note: distribution will be different for projects under Periodic Review</i>). No changes may be made to drafts after they are released for public review.
	17. Produce copies of the staff report and proposed amendments for the Planning Commission. Submit documents to Shauna by noon on the Monday in advance of distribution to the Planning Commission/public (which occurs on a Friday 10 days prior to the meeting). Shauna numbers and copies the materials.
	18. Distribute the public hearing draft and staff report 10 days in advance of the hearing to the Planning Commission, post on web, send to neighborhood associations, any applicable state agencies, Metro, stakeholders, notify any email list etc.).
	19. Prepare a presentation that describes the problem, opportunity or mandate addressed, key proposed amendments.
	20. Conduct a Public hearing. Present the project and compile public hearing comments/written testimony by topic. Provide the summary to the Planning Commission along with analysis at a subsequent work session (unless there was little comment and the Planning Commission can act immediately following the hearing).
	21. Conduct a work session with Planning Commission to the refine draft based on public comments. a. Submit the revised draft for legal review (and, if needed, editorial polishing).
	b. The Planning Commission reviews the final draft and then makes their recommendation at the next meeting.

	c. Any staff alternatives to the Planning Commission recommendation shall be contained in a separate memo.
	City Council hearing
	22. Schedule briefing and hearing date with the City Council; submit the request to Shauna at least 38 days in advance on desired date, who will convey it to Kathy .
	23. Legal notice. Produce and distribute the hearing notice consistent with task 15 and CDC sections 98.070 and 98.080.
	24. Prepare a draft ordinance and proposed preliminary findings pertaining to the draft amendments and submit it for legal review at least 5 working days before it is submitted to Shauna under #25 below.
	25. Submit the draft staff report, ordinance/findings, final draft amendments, and the record for the Council worksession/hearing (see CDC 98.040A (4)) to the Director (digital version of the staff report and ordinance) no later than 5:00 PM on the Monday before it is due to Shauna. The Director will return the draft no later than 8:00 AM on Wednesday before it is due to Shauna .
	26. Submit the staff report, proposed amendments, draft ordinance/findings and related materials to Shauna no later than 8:00 AM on the Friday before the Monday it is due to Kathy (by the close of business on Monday 7 days before work sessions and 14 days before Council meetings). Shauna will scan everything, put it on the L-drive, and submit it to Kathy via email no later than 5:00 pm on Monday 14 days before the City Council meeting (Kathy gets digital copies of everything); the City Manager will review the material and may call for revisions. The final document (hard copies) will be sent to Council on Friday, 10 days before the meeting. Shauna will make copies for staff and other interested parties when the report is finalized.
	27. Prepare briefing/public hearing materials and presentation.
	28. Conduct City Council briefing one week prior to the public hearing to explain the proposal and discuss related issues in preparation for the public hearing. Councilors may direct staff to draft alternative language for their consideration at the public hearing or during the subsequent work session. Such alternative language shall be contained in a memo. The public hearing draft will not be altered.
	29. Conduct the City Council hearing.
	30. Compile the public hearing comments/written testimony by topic and provide/present to the City Council along with analysis at a subsequent work session (unless there was little comment and the Council can act immediately following the hearing).
	31. Conduct City Council work session(s) as needed to refine the draft in light of public comments.

	<p>32. Adoption. Finalize the proposed amendments/ordinance for adoption per City Council direction.</p> <p>a. Finalize the ordinance/findings in collaboration with our Attorney. Include in the findings specific references to the actions taken and the specific justifications for the amendments stated at the hearings and work session(s).</p>
	<p>b. If any changes to the proposed amendments occurred subsequent to legal review, submit the final version to our Attorney for review and approval.</p>
	<p>c. Have the Attorney sign the ordinance prior to the mayor signing.</p>
	<p>d. Submit LCDC FORM 2: Notice of Adoption within 5 days of adoption with signed ordinance. Provide the notice of adoption to Metro, the County and other as appropriate.</p>
	<p>e. Close out the file. See CDC 98.040A (5).</p>
	<p>33. Celebrate</p>