



July 19, 2013

**LONG RANGE PLANNING  
ISSUE PAPER NO. 3**

**Request by CPO 7 to amend the Neighborhood Meeting requirements**

**Issue**

Citizen Participation Organization (CPO) 7 submitted a request as part of the 2013 Planning and Development Services Division Annual Work Program asking that the county's neighborhood meeting requirements be amended. The CPO expressed concern that the existing requirements do not provide adequate opportunities for neighbors and applicants to work collaboratively in the land use process. CPO 7's specific requests include the following:

- a. Require a neighborhood meeting for development in any urban land use district.*
- b. Require a neighborhood meeting is conducted with enough time prior to submittal of an application to ensure adequate opportunity is available to the applicant to respond to issues raised by the community.*
- c. Require the applicant to e-mail neighborhood meeting notes to all attendees providing a readable e-mail address.*
- d. Require the county to mail Type II and III land use notices to all neighborhood meeting attendees providing a mailing address.*

Subsequent to the CPO's request, two additional questions and concerns were voiced by members of CPO 7. Mary Manseau, a CPO 7 Steering Committee member, shared with staff her belief that a Type II land use review for detached single family dwellings (subject to CDC Section 430-37.1 B.) should require a neighborhood meeting. Additionally, CPO 7 Chair Kevin O'Donnell noted that two neighborhood meetings for developments in North Bethany were held at the same date and time. He requested that revisions be made preventing this situation in the future.

**Recommendation**

Consider the information included in this issue paper and provide direction to staff on any desired amendments to the county's neighborhood meeting requirements.

**Background**

There are no legal or regulatory provisions that mandate the county to require neighborhood meetings. The Board established neighborhood meeting requirements for most Type II and III urban development applications through the adoption of A-Engrossed Ordinance No. 478 in October 1996. Neighborhood meetings were initially required as part of the county's response to

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the State of Oregon's requirement that local jurisdictions render a decision on development review applications within 120 days, the "120-day rule." The neighborhood meetings were intended to inform the adjacent neighborhood early on in the development review process, which would result in a more timely review of development applications because neighborhood concerns could be addressed earlier in the process. Several rural development applications are also subject to the neighborhood meeting requirements.

Subsequent to the adoption of Ordinance No. 478, the Board adopted neighborhood meeting procedures through the adoption of R&O 96-177. Neighborhood meeting notice posting requirements were adopted through R&O 96-178. The neighborhood meeting procedures were updated in 1997 by R&O 97-41, in 2004 by R&O 04-49, and most recently in 2006 by R&O 2006-20. However, the neighborhood meeting requirements set forth in CDC Section 203-3 have remained virtually the same since their adoption in 1996.

Staff surveyed several local jurisdictions to learn about their neighborhood meeting requirements (see Attachment A) and how they compared with the county's requirements. As research indicates, the county is generally consistent with the notification requirements of jurisdictions surveyed, but requires neighborhood meetings for significantly more types of development applications than adjacent cities.

### **Staff Conclusion**

Based on the analysis in this issue paper, staff determined that the county's neighborhood meeting requirements are largely consistent with other jurisdictions within the county. However, staff does recommend implementing changes as a result of Issue 3, which relates to e-mailing meeting summaries to neighborhood meeting attendees. Staff asks that the Board consider the information included in this issue paper and direct staff on which amendments should be made to the neighborhood meeting requirements. Should the Board determine that changes are needed, staff will prepare an R&O reflecting the Board's direction and schedule time at a future Board meeting for formal consideration of the changes.

***Issue 1: Require neighborhood meetings for development in any urban land use district.***

CPO 7 stated its concern about the lack of a CDC requirement for a neighborhood meeting for certain commercial developments. The CPO’s specific concern related to a particular development in the Bethany Town Center. Current CDC Section 203-3.2 A. requires applicants proposing urban commercial developments to conduct a neighborhood meeting when the development site *abuts* residential land.

Conversely, commercial development located *across* the street from a residential district does not require a neighborhood meeting. That is why a neighborhood meeting was not held for a recent Central Bethany commercial development. In this case, the residential district was separated from the development site by Laidlaw Road, a county collector roadway.

After the neighborhood meeting and once a Type II or III development request is accepted, the county provides public notice to all owners of residential land located within 500 feet, including those properties separated by roads, from a proposed urban development site. The residences on the north side of Laidlaw Road did receive the Type II public notice for this commercial development.

In 2012 the Board considered a similar CPO 7 request as part of the North Bethany planning effort to expand the list of Type II development applications, including detached dwelling units, that would be subject to the neighborhood meeting requirements. The Board elected to retain the existing CDC standards that require neighborhood meetings for only certain types of urban and rural development requests.

<p><b><i>Opportunities</i></b></p> <ul style="list-style-type: none"> <li>• Greater citizen and neighborhood review of pending development applications.</li> </ul>	<p><b><i>Challenges</i></b></p> <ul style="list-style-type: none"> <li>• Expanding the list may marginally increase the county’s financial costs of processing requests in terms of additional staff time as mailing labels are currently provided at no cost to the applicant for notice areas located entirely in the county).</li> <li>• Key financial impact may accrue to urban developers, who would have to pay costs for conducting a neighborhood meeting.</li> <li>• Conflicts with previous Board direction regarding the types of development that warrant neighborhood meetings.</li> </ul>
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***Question:*** *Should CDC Section 203-3.2 be amended to require neighborhood meetings for Type II and III Commercial, Institutional and Industrial uses located across the street from a residential District?*

***Staff Recommendation:*** Consistent with the Board’s direction during North Bethany planning efforts, staff does not recommended expanding the list as requested.

**Issue 2: *Require a neighborhood meeting with enough time prior to the submittal of an application to ensure adequate opportunity is available to the applicant to respond to issues raised by the community.***

CPO 7 requests that development applications subject to the neighborhood meeting requirements be filed no sooner than two weeks after the required mailing of the neighborhood meeting notes to the CPO. The CPO believes this time allowance would provide the applicant with enough time to respond to any issues raised at the neighborhood meeting.

The current procedures do not specify how soon after a neighborhood meeting that an application must be submitted. The procedures do require that the neighborhood meeting be held within 180 days of the submittal of a development application. However, a development application shall not be deemed complete until the applicant demonstrates substantial compliance with the neighborhood meeting procedures (Section III. G.).

Applicants may consider reasonable issues/concerns provided at these meetings and in some situations make changes to their development proposal. However, an applicant is not *required* to revise a development application to address issues/concerns raised at a neighborhood meeting.

***Opportunities***

- *Requires a two-week period for the applicant to consider comments raised by the neighborhood.*

***Challenges***

- *May result in additional delays in the proposed development; and may result in increased project costs (e.g. increased carrying costs) to the applicant.*
- *Increasing the time between the neighborhood meeting and the submittal of the application does not necessarily ensure that an applicant will incorporate changes into the development proposal responding to issues raised at the neighborhood meeting.*

***Question:*** *Should the neighborhood meeting requirements be amended to require a longer time period between the mailing of the neighborhood meeting summary and the filing of a development application?*

***Staff Recommendation:*** Staff believes that adequate time is already provided to take into consideration comments raised at the meeting. Developers and applicants are given the opportunity to schedule neighborhood meetings in accordance with their own business priorities. For these reasons, staff recommends this change not be made.

<p><b>Issue 3: <i>Require neighborhood meeting notes to be submitted via e-mail to all attendees of the neighborhood meeting providing readable e-mail address to the applicant.</i></b></p>	
<p>Currently, applicants are only required to send a written copy of the meeting notes to the CPO representative who attended the meeting as well as the respective CPO leaders within 14 days of the meeting. If revised as requested, the applicant’s submittal information would need to include evidence that notices were provided to attendees. This evidence could include an affidavit signed by the applicant or applicant’s representative indicating the required e-mailing of the meeting summary had occurred.</p>	
<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Expanding the list of those receiving a copy of meeting notes to those in attendance would help to ensure more complete communication between attendees and the applicant.</li> <li>• Expanding the list of those that are e-mailed meeting notes does not impact county staff or increase county costs of processing applications.</li> </ul>	<p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>• There may be negligible financial costs to the applicant associated with adding additional e-mail contacts.</li> </ul>
<p><b>Question:</b> <i>Should neighborhood meeting minutes be e-mailed to all in attendance who provide a legible e-mail address?</i></p>	
<p><b>Staff Recommendation:</b> Direct staff to develop an R&amp;O that amends the neighborhood meeting requirements to require applicants e-mail copies of the meeting minutes to all in attendance at a neighborhood meeting providing a readable e-mail address.</p>	

***Issue 4: Require Public Notices for an application to be sent to all neighborhood meeting attendees providing a mailing address to the applicant.***

Public notices for urban Type II actions and public hearing notices for Type III actions are mailed by the county to all owners of property within 500 feet of the development site. The notice area for public notices is the same as for neighborhood meeting notices. Given the large mailing area for the neighborhood meeting notice, it is likely that most property owners who attend the meeting live or own property within 500 feet of the development site.

Neighborhood meeting attendees living or owning property *more* than 500 feet from the development site could be provided the additional public notice as requested. However, doing so would increase the costs borne by the county for mailing the initial public notice. Adding to the already required list of recipients might result in significant cost, depending on the number of people attending the meeting. Increasing the number of people entitled to public notice may also expand the number of people entitled to appeal the application.

Lastly, all attendees would be aware of the pending application submittal, whether they received the written notice or attended in response to the posted neighborhood meeting sign. Those living or owning property *more* than 500 feet from the development site or those who attended solely in response to the sign can request that county staff add their names to the interested parties list and request to receive all future public notices. Property owners and residents living beyond 500 feet may still comment on a development application.

***Opportunities***

- Opportunity to provide additional public notification of pending development applications.

***Challenges***

- Increased mailing costs incurred by the county.
- Increased staff time and resources to develop mailing lists and remove duplicates.
- More potential legal challenges.

***Question:*** *Should the neighborhood meeting requirements be amended to require mailing of public Type II and III notices to all neighborhood meeting attendees?*

***Staff Recommendation:*** Staff does not recommend that the required public notice mailing list be expanded to include neighborhood meeting attendees.

***Issue 5: Does the CDC require a neighborhood meeting for approval of a single family dwelling with a future development plan?***

Mary Manseau contacted staff in April 2013 with the question listed above. She stated her belief that based on the definition of “Development” (CDC Section 106-57) and “Development Review” (CDC Section 106-59) that Type II land use review for detached single family dwellings permitted subject to CDC Section 430-37.1 B. should require a neighborhood meeting. Land use review for the approval of a Future Development Plan for locating a new detached dwelling unit does not require a neighborhood meeting.

In the R-5 (Section 302-3.11) and R-6 (Section 303-3.16) Districts, the development of one detached single family dwelling on a lot greater than 16,500 square feet (R-5 District) and on a lot greater than 13,100 square feet (R-6 District) is permitted pursuant to a Type II procedure. Section 430-37.1 B. (1) requires applicants demonstrate that the size and location of the proposed dwelling does not preclude future development of the parcel.

The intent and purpose of the land use review is to ensure that the proposed location does not preclude the redevelopment (e.g., land division) of the parcel, and that adherence to minimum density standards can be ultimately achieved. Detached single family dwelling units on smaller lots do not require a Future Development Plan. They require only a site plan review in conjunction with the building permit.

***Opportunities***

- Allows for initial public comment on a future development plan for a large lot single family dwelling via a neighborhood meeting.

***Challenges***

- Requiring a neighborhood meeting for a detached single family dwelling unit imposes additional costs (time and expense) for the applicant.
- Adequate public notice is provided for the proposed detached single family dwelling unit and its associated Future Development Plan (a 14-day comment period is provided for owners of property within 500 feet of the proposed detached single family dwelling unit).

***Question:*** Should Type II land use review for detached single family dwellings when proposing a Future Development Plan require a neighborhood meeting?

***Staff Recommendation:*** Constructing new detached dwelling units on an existing lot is “development” but no more so than the construction of a single family detached dwelling unit on a 6,000 square foot R-5 lot or a 4,500 square foot R-6 lot. The only difference is the lot size. For this reason, staff does not recommend the requested changes. Staff believes that the current process provides adequate notice.

***Issue 6: Restrict neighborhood meetings for more than one development application in the same area from occurring on the same day and at the same time.***

Kevin O'Donnell contacted staff in June 2013 to request that the neighborhood meeting requirements be revised to ensure that two neighborhood meetings in the same area do not occur on the same day and at the same time. In the event that the meetings occur on the same day, he asked that they have staggered start times of at least an hour.

Currently, applicants are not required to inform county staff of the date and time of their required neighborhood meeting. However, the applicant is required to send a copy of the neighborhood meeting notice to the county at the same time the notice to property owners within 500 feet of the development site is mailed.

County staff does not currently play a role in the scheduling of neighborhood meetings. In the event the Board wishes to change the neighborhood meeting requirements to allow the county to play a coordinating role for these meetings, staff resources would need to be added or re-allocated, and a process to track dates of scheduled neighborhood meetings would have to be developed. Location criteria (e.g., how close is too close, or how far is too far?) would need to be established. Additionally, a process would be needed to inform other developers who are preparing a land use application in the same area so that they do not schedule a neighborhood meeting on the same day and at the same time.

***Opportunities***

- Increased clarity on neighborhood meetings occurring within the same CPO.
- Greater ability for people to attend more than one neighborhood meeting on a given day.

***Challenges***

- Additional staff time and resources needed to track and monitor neighborhood meetings.
- Impacts county-wide are unknown but likely to be significant given the number of neighborhood meetings held each year throughout the county and in each CPO.
- Changes would restrict the available dates and times that applicants can hold neighborhood meetings.
- May delay the submittal of development applications if neighborhood meetings are delayed due to conflicts with other meetings being held in the area.

***Question:*** *Should the neighborhood meeting requirements be amended to prohibit neighborhood meetings from occurring in the same area and on the same day at the same time?*

***Staff Recommendation:*** Staff believes that the current notice period of almost three weeks provides adequate notification for people wanting to attend the meeting, whether representatives of a group or individual property owners. In the event of conflicts, alternative representatives could attend the two different meetings. The opportunities afforded do not appear to outweigh the challenges faced by applicants and staff, some of which are unknown. Neighborhood meeting minutes and alternate attendees could provide those unable to attend a particular meeting with project details and points of discussion. For this reason, staff does not recommend amending the neighborhood meeting requirements to include scheduling requirements that would be enforced by county staff.



## ATTACHMENT A

City	Neighborhood Meeting Required for the following:	Key Procedures
Beaverton	All development applications subject to a Type 3 procedure (public hearing)	<ul style="list-style-type: none"> <li>▪ Mail notice to owners of property within 500 feet of the site at least 20 days before the meeting</li> <li>▪ Post the meeting notice on the site no less than 20 days before the meeting</li> <li>▪ Include meeting notes with the development application and send a copy to the NAC Chair (before submitting the application to the city)</li> </ul>
Hillsboro	Planned unit developments, conditional use permits, floodplain alterations or special uses proposed in a floodplain, and Type 2 Significant Natural Resource Permits.	<ul style="list-style-type: none"> <li>▪ Mail notice to owners of property at the same notification radius required for the application type</li> <li>▪ Post the meeting notice on the site no less than 7 days before the meeting</li> <li>▪ Include meeting notes with the development application</li> </ul>
Tigard	Subdivisions, conditional use permits, site development review, sensitive lands review, comprehensive plan amendments and zone changes.	<ul style="list-style-type: none"> <li>▪ Neighborhood meeting held no sooner than 14 days and no later than 28 days after notice mailed and site posted</li> <li>▪ Mail notice to owners of property within 500 feet of the site at least 14 days before the meeting</li> <li>▪ Post the meeting notice same day as mail notice</li> <li>▪ Include meeting notes with the development application</li> </ul>
Tualatin	Annexations, certain architectural reviews, conditional uses, certain historic landmark actions, industrial master plans, partitions, plan map amendments for a specific property, plan text amendments for a specific property; subdivisions, tree removal permit, transitional use permit, and most variances	<ul style="list-style-type: none"> <li>▪ Mail notice to owners of property within 1,000 feet of the site at least 14 days before and no more than 28 days before the meeting</li> <li>▪ Post the meeting notice on the site at least 14 days before the meeting</li> <li>▪ Include meeting notes with the development application</li> </ul>