

## **107 PLANNING PARTICIPANTS**

The following are the major participants in the planning process in Washington County. The roles of these participants are generally outlined here. The roles and responsibilities may be further defined by the Board of Commissioners through Ordinance or Resolution and Order.

### **107-1 Board of Commissioners**

- 107-1.1 The Board of Commissioners is the policy and ultimate decision-making body for the County except as otherwise provided by the Comprehensive Plan, the Constitution of the State of Oregon, Oregon State Statutes or the Washington County Charter. The Board of Commissioners retains and exercises all the powers granted to the County except as provided herein, by the Comprehensive Plan, or by action of the Board through either the adoption of an Ordinance or Resolution and Order.
- 107-1.2 The Board of Commissioners may, by Ordinance or Resolution and Order, create a Planning Commission or Commissions which shall act as the planning and development advisory body(s) to the Board and shall have such other powers and authority as described in this Code or as may be specified by the Board through Ordinance or Resolution and Order.
- 107-1.3 The Board of Commissioners, may, by Ordinance or Resolution and Order, create subcommittee(s) of the Planning Commission(s) and delegate to such subcommittee(s) such powers and authority deemed necessary by the Board.
- 107-1.4 The Board of Commissioners may, by Ordinance or Resolution and Order, create, revise or consolidate planning advisory committees for individual geographic areas of the County to consult within the preparation, adoption, revision and implementation of community plans for the respective areas. Advisory committees may be composed of residents, property owners, and business operators in the area.
- 107-1.5 The Board of Commissioners may, by Ordinance or Resolution and Order, designate a land use hearings officer to serve at its pleasure to hear and determine development actions and contested cases.
- 107-1.6 The Board of Commissioners may, by intergovernmental agreement pursuant to Oregon Revised Statutes, create joint Planning Commissions for any or all of the unincorporated area of Washington County and other such area as may be agreed upon.
- 107-1.7 The Board of Commissioners may interpret the Community Development Code where ambiguity exists as to the meaning of specific provisions. This interpretation, when made, shall be used to guide staff and the Review Authority in applying the Code to specific situations. The Board by ordinance or resolution and order shall develop procedures for implementing this section.

**107-2 Planning Commission**

## 107-2.1 Membership:

- A. There is hereby established a Planning Commission which shall consist of members appointed by the Board of Commissioners for four year terms or until their respective successors are appointed and qualified. The members' terms shall be staggered. The members of the Planning Commission existing on the day that this Code is adopted, may continue in office until the end of their respective terms. No member shall serve more than two consecutive four-year terms. Members may serve until a replacement is appointed.
- B. Upon the resignation, permanent disqualification or removal of any member of the Planning Commission, the Board may appoint a successor to fill out the remainder of the term. If the remainder of the term is less than two years the successor may be appointed by the Board for two additional full terms.
- C. Planning Commissioners shall serve at the pleasure of the Board and may be removed without cause at any time. This provision shall not apply during the current term of any Planning Commission member serving on the effective date of this ordinance. It shall govern all new appointees, including existing Planning Commission members appointed to additional terms. Existing members may be removed only as provided in former Section 107-2.1 C. during their current terms.
- D. Members of the Planning Commission shall serve without compensation other than reimbursement for duly authorized expenses as authorized by the Director.
- E. Members of the Planning Commission shall be residents of various geographic areas of the County. No more than two members shall be engaged principally in the buying, selling, or developing of real estate. No more than two members shall be engaged in the same occupation.

## 107-2.2 Responsibility and Authority:

- A. The Planning Commission shall advise the Board of County Commissioners on legislative planning and development issues such as the adoption, revision or repeal of any Comprehensive Plan or implementing Ordinance or Code related to the responsibilities and authority granted by applicable State law, the Washington County Charter and the Washington County Comprehensive Plan.
- B. The Planning Commission may initiate planning and development actions.
- C. The Planning Commission shall have the authority to act on planning and development matters as authorized in the Comprehensive Plan, this Code or Resolution and Order of the Board of Commissioners. The Planning Commission shall perform such other functions as may be authorized by this Code or other Ordinances or by Resolution and Order of the Board of County Commissioners.
- D. The Planning Commission may appoint a subcommittee or subcommittees of the Planning Commission to act upon such matters as the Planning Commission or

Board of Commissioners may delegate through Ordinance or Resolution and Order.

- E. The Planning Commission shall coordinate with, cooperate with and advise other Regional, County and City Planning Commissions and may upon request, or on its own initiative, furnish advice or reports to any city, county, regional, State, or Federal agency, department, officer or association, concerning any matter relating to County Planning.
- F. The Planning Commission members or their agents may, in the performance of their functions, enter upon any land and make examinations or surveys, take photographs or place and maintain the necessary monuments or markers thereon.

**107-2.3 Rules and Procedures:**

- A. The Planning Commission may conduct business only when a quorum of the members are present. For purposes of interpreting the Community Development Code or any provisions of these rules, a Planning Commissioner is not considered "present" for purposes of determining the votes needed on a matter when he/she has abstained from participation on that matter.
- B. The Planning Commission shall, at or before its first meeting in July each year, elect and install one of its members to serve as Chairman and another to serve as Vice-Chairman.
- C. Planning or development actions by the Planning Commission require a majority vote of those voting.
- D. A tie vote on a planning or development action shall not constitute an approval or denial of the request. If the final vote on the matter is a tie, the matter shall automatically be continued to the next regularly scheduled meeting for another vote. A member not present earlier may participate if the member indicates on the record that he or she has reviewed the material and listened to the tape of the hearing. If a tie vote remains after the second meeting the action is deemed to be denied.

**107-3 Director**

The Director shall:

- 107-3.1 Be responsible for the administration of planning and development activities within the County and shall be the chief administrator in charge of Planning. The Director's responsibilities shall be outlined in the job description and may include but are not limited to the following activities:
  - A. Schedule and assign cases for review and hearings;
  - B. Conduct all pertinent correspondence of the Hearings bodies;
  - C. Give notice as required by this Code;

- D. Maintain agendas and minutes of all Land Use Ordinance Advisory Commission, Planning Commission and Hearings Officer meetings;
  - E. Compile and maintain all necessary records, files and indexes for Planning and Development activities; and,
- 107-3.2 Provide professional expertise, staff assistance and act as secretary to the Land Use Ordinance Advisory Commission, Planning Commission and Hearings Officer, keeping an accurate, permanent and complete record of all proceedings.
- 107-3.3 Provide professional expertise and staff assistance to the Board of County Commissioners as necessary for planning matters.
- 107-3.4 Coordinate planning functions with other County Departments, other jurisdictions within the County and other agencies as is necessary to carry out planning duties.
- 107-3.5 Provide assistance and information to the public on land use activities.
- 107-3.6 Other activities as specified by the Board of County Commissioners.

#### **107-4 Hearings Officer**

##### 107-4.1 Appointment:

A Hearings Officer may be appointed and removed at the discretion of the Board of Commissioners.

##### 107-4.2 Duties:

The Hearings Officer shall conduct hearings and take action on development requests as specified by this Code and as may be further specified by Ordinance or Resolution and Order of the Board of Commissioners.

#### **107-5 Land Use Ordinance Notices**

##### 107-5.1 Purpose:

The purpose of this section is to implement Chapter X of the Washington County Charter. Chapter X is intended to ensure adequate notice of proposed land use ordinances to encourage meaningful citizen participation. The provisions of this section shall be liberally construed to this end.

##### 107-5.2 Definitions:

- A. "Annual Land Use Notice" means a notice annually mailed to each property owner of record as shown in the current assessment roll and to each officially recognized citizen involvement organization. It also includes a display advertisement published at least twice per year in a newspaper of general circulation in Washington County.
- B. "Individual Notice" means written notice mailed by first class mail to those persons who have requested notice as provided in Chapter X of the Washington

County Charter and to each officially recognized citizen involvement organization.

- C. "General Notification List" means a list of each officially recognized citizen involvement organization and those persons who have requested in writing individual notice of public hearings on all land use ordinances.
- D. "Land Use Ordinance" means one which adopts, amends or repeals a comprehensive plan, development or zoning code and related maps or otherwise directly governs the use of land. It does not include such subjects as: financing public improvements, road engineering and utility standards, building code, development fees, sewer or septic regulations or nuisance control.

107-5.3 General Notification List:

- A. The Department shall maintain the general notification list.
- B. The list shall consist of:
  - (1) All individuals, companies, corporations, partnerships, nonprofit organizations and other such entities that have made a written request containing the name and complete mailing address of the requesting party together with the fee specified in Section 107-5.4; and
  - (2) The designated representative of all officially recognized citizen involvement organizations including citizen participation organizations and neighborhood organizations or neighborhood associations as defined by Section 107-8.
- C. A general notification list shall be maintained for each legislative period, such period being March 1 through October 31 of each year. All requests, including payment of the fee, received on or after November 1 of a year and prior to March 1 of the following year shall be placed on the general notification list for the next legislative period. Requests received during a legislative period shall be valid only for the period in which they are received.

107-5.4 Notice Fee:

- A. The annual notice fee for placement on the general notification list shall be established by resolution and order of the Board based on a reasonable estimate of mailing costs.
- B. For purposes of this section, costs shall include expenses incurred for mailing the individual notice, such as materials, printing, collating, placing in envelopes, addressing, postage and similar costs. Costs shall not include staff time drafting said notice or maintaining the general notification list.
- C. All fees shall be placed in a notice fee account or fund to be used solely to pay the costs of mailing the individual notice to parties on the general notification list. Any year end balance or deficit in the notice fee account or fund shall be carried forward and used in computing any decrease or increase in the fee.

## 107-5.5 Annual Land Use Notice:

## A. Content

The annual land use notice shall be drafted by the Director or a designated representative. The notice shall include, but not be limited to:

- (1) A general description of the land use ordinance adoption process;
- (2) An explanation that those on the general notification list will receive individual notice of the public hearings as provided in Section 104 of Chapter X of the Washington County Charter;
- (3) The address for submitting notification requests and a telephone number for persons with questions; and
- (4) The amount of the fee as described in Section 107-5.4.

## B. Mailing

- (1) The annual land use notice shall be included with the ad valorem tax statements mailed by the Department of Assessment and Taxation and shall be mailed to each officially recognized Citizen Participation Organization at approximately the same time. In addition, the Board may direct that an annual land use notice may be mailed at such other times as deemed advisable.
- (2) Failure to receive notice shall not invalidate any ordinance unless caused by willful action and the failure to receive notice results in prejudice to the substantial rights of the person who did not receive notice.

## C. Newspaper Notice

- (1) Newspaper notice shall be published once during the second week of January and once during the second week in October of each year. A newspaper notice also may be published at approximately the same time that any annual land use notice is mailed. It shall be published in a newspaper of general circulation in Washington County as declared by the Board.
- (2) The content of the newspaper notice shall, at a minimum, be as set forth in subsection A of this section.
- (3) The notice shall be in the form of a display advertisement. It shall be located in the copy section of the newspaper rather than the classified advertisement or legal notice section.

## 107-5.6 Individual Notice:

Individual notice shall be sent by first class mail to those on the current notification list. The County may rely on the name and address provided by the requesting person for inclusion on the list. Failure to receive notice shall not invalidate any

ordinance unless caused by willful action and the failure to receive notice results in prejudice to the substantial rights of the person or entity who did not receive notice.

**107-6 Committee for Citizen Involvement (CCI)**

107-6.1 Purpose: The purpose of the Committee for Citizen Involvement (CCI) is:

- A. To serve as the officially recognized citizen participation resource committee, which is representative of geographic areas and interests;
- B. To be dedicated and committed to the success of citizen participation in the government decision-making process;
- C. To evaluate citizen involvement process;
- D. To encourage and promote the expansion of the CPO program;
- E. To provide a direct line of communication between the citizens and county government; and
- F. To assist the County Board of Commissioners in complying with LCDC Goal #1 by developing a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

107-6.2 Membership:

- A. Will consist of the two representatives from each recognized CPO in Washington County and two alternates which shall make up the membership of the CCI.
- B. These representatives may be selected or appointed by any method approved by the individual CPOs.
- C. The term of each representative will be as determined by each CPO.

**107-7 Citizen Participation Organization (CPO)**

107-7.1 Purpose:

- A. To facilitate effective citizen involvement in the planning and development of Washington County.
- B. To assist in the development of and revisions to the County Comprehensive Plan.
- C. To participate in special projects and studies affecting communities.

107-7.2 Membership:

Membership in a CPO is open to all citizens of voting age who either reside, own land or own or operate a business within the boundaries of the CPO.

## 107-7.3 Bylaws:

Bylaws, including requirements for voting, shall be determined by each individual CPO.

## 107-7.4 Boundaries:

The boundaries of the individual CPOs shall be defined and may be amended through Ordinance or Resolution and Order of the Board of Commissioners.

## 107-7.5 Additional Duties and Responsibilities:

As may be determined by the Board of County Commissioners through Ordinance or Resolution and Order.

**107-8 Neighborhood Organization or Association**

## 107-8.1 Purpose:

To provide recognition by the Board of County Commissioners of a citizen's group representing a small defined area of the County with specific interest in County activities affecting their area and to provide standing for the group in a specific land use matter.

## 107-8.2 Membership:

The organization or association must represent sixty (60) percent of the registered voters within its boundaries and must have at least fifty (50) members. Membership in the organization or association shall be open to all citizens of voting age who either reside, own land or own or operate a business within the boundaries of the organization or association.

## 107-8.3 Boundaries:

The boundaries of each neighborhood organization or association shall be defined by Resolution and Order, by the Board, and shall lie entirely within the unincorporated boundary of the County. Within the boundary, at least fifty (50) percent of the land must be developed for residential use.