

Community Planning Organization (CPO) Land Use Notification

The Legal Requirements:

The law regarding CPO notification is found in the Oregon revised Statutes (ORS) and in the County Zoning and Development Ordinance (ZDO). There are three different types of land use decisions, each requiring different notification.

Legislative Land Use Actions

Legislative actions are changes to the Comprehensive Plan or ZDO text, or large-scale map changes affecting many property owners. For these actions the County provides notice to CPOs at least 35 days prior to the first public hearing. This notification period exceeds the state requirements.

Quasi-Judicial Hearings

Quasi-judicial hearings are held in two circumstances. In one instance, certain types of applications must be reviewed at a public hearing: Conditional uses, zone changes and subdivisions of more than ten lots are examples of such applications. The other circumstance in which a hearing occurs is for appealed staff decisions. The County provides notice to CPOs at least 35 days prior to the first hearing. This notification period exceeds the state requirements.

Staff Decisions

Staff makes the initial decision in several land use applications. A public hearing is required only if the staff decision is appealed. Variances, minor partitions and floodplain development permits are examples of such applications. For these applications, the County provides notice of the application to CPOs at least 15 days prior to the staff decision. Notice of the staff decision also is provided, with a 12 day appeal period. This notice exceeds the state requirements.

The 120 Day Rule

Sometimes it is difficult for CPOs to respond to applications within the time frames outlined above. Unfortunately, the County is required by state law to issue a final written decision within 120 days (150 outside of the Urban Growth Boundary) of receipt of the application. This deadline is particularly difficult to meet for applications that fall into the staff decision category. Staff decisions must be made soon enough to allow for an appeal hearing to be completed.