

1 BEFORE THE LAND USE BOARD OF APPEALS  
2 OF THE STATE OF OREGON

3  
4 NORMAN C. MARTIN,  
5 *Petitioner,*

6  
7 vs.

8  
9 CITY OF DUNES CITY,  
10 *Respondent.*

11  
12 LUBA No. 2007-163

13  
14 FINAL OPINION  
15 AND ORDER

16  
17 Appeal from the City of Dunes City.

18  
19 Norman C. Martin, Florence, filed the petition for review and argued on his own  
20 behalf.

21  
22 No appearance by City of Dunes City.

23  
24 RYAN, Board Chair; HOLSTUN, Board Member, participated in the decision.

25  
26 BASSHAM, Board Member, did not participate in the decision.

27  
28 AFFIRMED

07/23/2008

29  
30 You are entitled to judicial review of this Order. Judicial review is governed by the  
31 provisions of ORS 197.850.

**NATURE OF THE DECISION**

Petitioner appeals a city ordinance adopting new land use regulations implementing erosion control measures.

**FACTS**

The City of Dunes City Code (DCC) has an existing chapter dealing with erosion control. The city became concerned that the existing erosion control measures were inadequate to control erosion and prevent environmental damage to waters within the city. The city began local proceedings to adopt a new erosion control ordinance. The process for adopting the new ordinance apparently began with a Committee for Citizen Involvement (CCI), proceeded to the planning commission, and eventually went to the city council. The city council adopted the challenged ordinance over petitioner’s objections. This appeal followed.

**INTRODUCTION**

This appeal presents challenges in determining the issues for the Board to review. The petition for review is 47 pages long and includes eight designated assignments of error. The assignments of error repeat many of the same themes and arguments throughout the petition for review, and, to the extent we can understand them, do not appear to provide separate bases for reversal or remand. The city did not file a response brief.

Although petitioner’s assignments of error are difficult to follow, to the extent we can discern petitioner’s arguments from the petition for review, we will consider those arguments. *Freedom v. City of Ashland*, 37 Or LUBA 123, 124-25 (1999). For a substantial portion of the petition for review, we are unable to discern a cognizable argument providing a basis for reversal or remand, and we therefore will not consider those “arguments.” *See Sommer v. Josephine County*, 54 Or LUBA 507, 511-12, *aff’d* 215 Or App 501, 170 P3d 8, 9 (2007) (LUBA will not consider arguments that are so poorly stated that they cannot

1 reasonably be responded to). We will address those portions of individual assignments of  
2 error that provide a cognizable argument, but any portions of the assignments we do not  
3 address are denied as not providing a reasonably understandable argument. *Id.*

4 Although petitioner makes no attempt to explain the nature of the challenged  
5 decision, the city’s decision is a legislative decision. Under DCC 155.4.1.2(D), the city’s  
6 Type IV procedures apply to legislative decisions.<sup>1</sup> The applicable approval criteria or  
7 considerations are apparently found at DCC 155.4.1.7(E):

8 “Decision-Making Considerations. The recommendation by the Planning  
9 Commission and the decision by the City Council shall be based on  
10 consideration of the following factors:

- 11 “1. The Statewide Planning Goals and Guidelines adopted under Oregon  
12 Revised Statutes Chapter 197 (for Comprehensive Plan Amendments  
13 only);
- 14 “2. Comments from any applicable federal or state agencies regarding  
15 applicable statutes or regulations;
- 16 “3. Any applicable intergovernmental agreements; and
- 17 “4. Any applicable Comprehensive Plan policies and provisions of this  
18 Code that implement the Comprehensive Plan. \* \* \*”

19 Under DCC 155.4.1.7(E)(1), if a legislative decision involves an amendment to the  
20 comprehensive plan, it must be consistent with the statewide planning goals. The challenged  
21 decision, however, is a new land use regulation that is an amendment to the DCC, not an  
22 amendment to the comprehensive plan. Although petitioner does not appear to recognize the  
23 distinction between comprehensive plan amendments and amendments to a land use

---

<sup>1</sup> DCC 155.4.1.2(D) provides:

“Type IV Procedure (Legislative). Type IV Procedure applies to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and Comprehensive Plan amendments that apply to entire districts). Type IV matters are considered initially by the Planning Commission and Road Commission with final decisions made by the City Council. These procedures are typified by the requirement of passage of an Ordinance.”

1 regulation, he does cite (at page 41 of the petition for review) ORS 197.835(7)(b), which  
2 provides that LUBA shall reverse or remand a new land use regulation if the comprehensive  
3 plan does not contain specific policies or provisions that provide the basis for the regulation  
4 *and* the regulation is not in compliance with the goals.<sup>2</sup>

5         Where a petitioner argues that a new land use regulation fails to comply with the  
6 statewide planning goals, we rely on the respondent to identify any specific provisions in the  
7 local comprehensive plan it contends provides the basis for the challenged land use  
8 regulation. If the respondent does not identify any such provisions, we will not search the  
9 comprehensive plan for them, and we will assume no such provision exist and reverse or  
10 remand the challenged decision if it does not comply with the goals or administrative rules  
11 implementing the goals. *1000 Friends of Oregon v. Marion County*, 27 Or LUBA 303, 305-  
12 06 (1994). As previously noted, the city has not filed a response brief and therefore has not  
13 identified any local comprehensive plan provisions that provide the basis for the challenged  
14 decision. Therefore, we will consider petitioner’s arguments that the challenged decision  
15 violates the goals.

16         Petitioner argues throughout the petition for review that there are no comprehensive  
17 plan policies that provide the basis for the challenged decision and that it violates Goal 1  
18 (Citizen Involvement), Goal 2 (Land Use Planning), and Goal 5 (Natural Resources, Scenic  
19 and Historic Areas, and Open Spaces).

---

<sup>2</sup> ORS 197.835(7) provides:

“[LUBA] shall reverse or remand an amendment to a land use regulation or the adoption of a  
new land use regulation if:

“\* \* \* \* \*

“(b) The comprehensive plan does not contain specific policies or other provisions which  
provide the basis for the regulation and the regulation is not in compliance with the  
statewide planning goals.”

1 **FIRST ASSIGNMENT OF ERROR**

2 Under this assignment of error, we reasonably understand petitioner to argue that the  
3 challenged decision violates Goal 1, Goal 2, and Goal 5.

4 **A. Goal 1**

5 Petitioner’s Goal 1 argument is more developed in his second assignment of error,  
6 and we address the Goal 1 argument under that assignment of error.

7 **B. Goal 5**

8 Although petitioner argues that the challenged decision violates Goal 5, petitioner  
9 does not explain how Goal 5 is violated. Petitioner’s only argument under Goal 5 is that the  
10 city did not adopt findings that specifically address Goal 5. It is well established that absent  
11 a specific legal requirement for findings in support of a legislative decision, the failure of a  
12 decision maker to adopt findings in support of a *legislative* decision is not a basis in itself for  
13 reversal or remand. *Witham Parts v. ODOT*, 42 Or LUBA 435, 450-51 (2002), *aff’d* 185 Or  
14 App 408, 61 P3d 281 (2002); *Redland/Viola/Fischer’s Mill CPO v. Clackamas County*, 27  
15 Or LUBA 560, 563-64 (1994). That rule does not apply however, where findings are  
16 necessary to allow LUBA or the appellate courts to perform their review function to  
17 determine whether a particular criterion is satisfied. *Citizens Against Irresistible Growth v.*  
18 *Metro*, 179 Or App 12, 16 n 6, 38 P3d 956 (2002). Although the city’s findings do not  
19 specifically mention or address Goal 5, there are findings supporting the challenged decision.  
20 Record 34-37. More importantly, however, although petitioner faults the city for not  
21 adopting findings that specifically address Goal 5, petitioner does not explain how the  
22 challenged decision violates Goal 5.

23 Assuming the disputed erosion control measures implicate Goal 5 in some way,  
24 petitioner must explain how the challenged decision violates Goal 5 in order to provide a  
25 basis for reversal or remand. The only argument petitioner makes as to how the decision  
26 violates Goal 5 is that the city did not amend its inventory of Goal 5 resources in making the

1 challenged decision. A detailed discussion of Goal 5 is not warranted by petitioner’s  
2 argument that the city must amend its Goal 5 inventory. As a general rule, unless the  
3 challenged decision itself amends an acknowledged Goal 5 inventory, a local government is  
4 not required to amend its acknowledged Goal 5 inventory until periodic review. *Urquhart v.*  
5 *Lane Council of Governments*, 80 Or App 176, 181, 721 P2d 870 (1986). It may be that the  
6 challenged erosion control measures add to or detract from the city’s acknowledged Goal 5  
7 program to protect inventoried Goal 5 resources, but petitioner does not argue that such is the  
8 case in any way that is sufficient for review. But even if that is the case, petitioner does not  
9 make any attempt to explain why such changes make amendments to the city’s  
10 acknowledged Goal 5 inventory necessary.

11 Petitioner’s argument that the decision violates Goal 5 is denied.

12 **C. Goal 2**

13 What is commonly referred to as the “coordination requirement” of Goal 2 provides  
14 that “[e]ach plan and related implementation measure shall be coordinated with the plans of  
15 affected governmental units.” Goal 2 defines “affected governmental units” as “those local  
16 governments, state and federal agencies and special districts which have programs, land  
17 ownerships, or responsibilities within the area included in the plan.” Goal 2 and ORS  
18 197.015(5) provide that a plan is “coordinated” when the “needs of all levels of governments  
19 \* \* \* have been considered and accommodated as much as possible.” According to  
20 petitioner, the City of Florence, Lane County, the Siuslaw Watershed Commission, the  
21 Oregon Department of Transportation (ODOT), and Honeyman State Park are affected  
22 governmental units. We understand petitioner to argue the city failed to carry out its Goal 2  
23 coordination obligations with these governmental bodies.

24 Petitioner does not argue that the city did not respond to concerns of affected  
25 governmental units, but rather that the city did not attempt any coordination with these  
26 governmental bodies at all. A local government must clearly explain the nature of the

1 proposed action, and comments of the affected governmental agencies must be solicited.  
2 *Sanders v. Yamhill County*, 34 Or LUBA 69, 77 (1998). A local government is not required  
3 to drag a response out of an affected governmental agency if it does not respond. *Id.* at 79.  
4 Because the present appeal appears to present a situation in which there was no response to  
5 the city’s proposal from the alleged affected governmental agencies, the question is whether  
6 those affected governmental agencies were given an adequate opportunity to comment had  
7 they wished to do so.

8         Although petitioner asserts that the above-listed entities are affected governmental  
9 units, he does not explain why they are affected governmental units.<sup>3</sup> Even assuming that  
10 some of the listed entities are affected governmental units, the city did provide general notice  
11 of its activities regarding the erosion control ordinance. The city was in repeated contact  
12 with the Lane Council of Governments (LCOG), whose attorney represented the city early in  
13 these proceedings. Record 384-85, 495, 525-27, 948, 1004-32, 1189, 1215-17, 1286, 1300.  
14 The city provided notice of its proceedings and public service announcements regarding its  
15 meetings in a newspaper of general circulation in the area. Record 1161, 1212, 1298, 1310,  
16 1325. The city also sent public service announcements regarding proceedings on the erosion  
17 control ordinance to a local media outlet to broadcast. Record 1197, 1213, 1238, 1311, 1326.  
18 Finally, the city provided notice of the proposed decision to the Department of Land  
19 Conservation and Development. Record 1150-60.

20         The present appeal is similar to the situation in *Bernard Perkins Corp. v. City of*  
21 *Rivergrove*, 34 Or LUBA 660 (1998), where the petitioner argued that the city failed to  
22 comply with the Goal 2 coordination requirement because it failed to extend opportunities to  
23 comment to nearby jurisdictions. We held that the city’s coordination with DLCD and

---

<sup>3</sup> For instance, we fail to see how ODOT would be affected by the erosion control ordinance absent some further explanation, and although the Oregon Parks and Recreation Department is the state agency that owns and operates Honeyman State Park, Honeyman State Park itself is not a governmental unit.

1 Metro, which was the governmental unit responsible for regional planning, and the  
2 publication of notice in a newspaper of general circulation was sufficient to satisfy the  
3 coordination requirement. *Id.* at 680. In the present appeal, the city coordinated with DLCD  
4 and LCOG. Like Metro, LCOG has regional planning responsibilities. The city also  
5 published notices in the newspaper and through public service announcements. While we  
6 might perhaps find differently if one of the alleged affected governmental units were  
7 claiming that these notices and contacts were inadequate to put it on notice or provide an  
8 adequate opportunity to comment, that is not the case. In essence, petitioner's argument is  
9 that the city should have individually contacted each allegedly affected governmental unit,  
10 those allegedly affected governmental units *might* have had concerns with the challenged  
11 decision, those allegedly affected governmental units *might* have requested changes to the  
12 proposed erosion control ordinance, and thereby the city would have been required to either  
13 amend the ordinance or explain its reasons for not amending the ordinance in response to  
14 such expressed concerns. In the present case, we believe that is too slender a reed upon  
15 which to conclude a violation of the Goal 2 coordination requirement has occurred. As in  
16 *Bernard Perkins*, the city satisfied the coordination requirement.

17 The first assignment of error is denied.

18 **SECOND ASSIGNMENT OF ERROR**

19 Under this assignment of error, petitioner presents his Goal 1 argument. Goal 1  
20 requires a local government to adopt a citizen involvement program (CIP), which the city has  
21 done. Where amendments to a local government's comprehensive plan or land use  
22 regulations do not amend or affect the local government's acknowledged CIP, which the  
23 challenged decision does not, the city complies with its Goal 1 obligation by complying with  
24 the acknowledged CIP. *Casey Jones Well Drilling, Inc. v. City of Lowell*, 34 Or LUBA 263,  
25 284 (1998).



1 It appears to us that the city's CIP is located in chapter one of the Dunes City  
2 Comprehensive Plan (DCCP). Policy A1 under Citizen Involvement and Land Use Planning  
3 provides:

4 "Citizens involvement. Dunes City's citizen involvement program shall  
5 insure that the citizens of Dunes City have the opportunity to be involved in  
6 all phases of the planning process. The City Council may appoint members to  
7 serve on the Committee for Citizen Involvement (CCI). All interested parties,  
8 by their attendance at the meetings of the CCI, shall become voting members  
9 of the CCI for that meeting. The CCI shall make recommendations to the  
10 Planning Commission, who themselves shall make recommendations to the  
11 City Council, on matters pertaining to post acknowledgment Plan  
12 amendments and periodic review of the Comprehensive Plan.

13 "The citizen involvement program shall incorporate the following  
14 components:

- 15 "1. Citizen Involvement; to provide for widespread citizen involvement.
- 16 "2. Communication; to [as]sure effective two-way communication with  
17 citizens.
- 18 "3. Citizen Influence; to provide the opportunity for citizens to be  
19 involved in all phases of the planning process.
- 20 "4. Technical Information; to assure that technical information is available  
21 in an understandable form.
- 22 "5. Feedback Mechanism; to assure that citizens will receive a response  
23 from policy-makers.
- 24 "6. Financial Support; to assure funding for the citizen involvement  
25 program."

26 The planning recommendations provide:

- 27 "a. The CCI will include the City Council, the Planning Commission, and  
28 citizens-at-large. Citizens will be members of the committee upon  
29 meeting attendance.
- 30 "b. Participation by elected officials in the CCI should be encouraged.
- 31 "c. Greater efforts will be made to increase participation by the public."

32 Petitioner's arguments that the city failed to follow its CIP are very difficult to  
33 follow. Petitioner levels numerous accusations and allegations of wrongdoing and bias on

1 the part of various city officials and organizations. How these accusations and allegations  
2 relate to the CIP, however, is not clear. As far as we can tell, the CIP provides that the city  
3 may appoint committees for citizen involvement (CCIs) that make recommendations to the  
4 planning commission. The CIP further provides that the CCIs' composition includes the city  
5 council, planning commission, and any citizens who attend CCI meetings. It appears that the  
6 city appointed a CCI to work on the new erosion control ordinance and that numerous  
7 meetings were held. It also appears that petitioner was present at most of those meetings and  
8 apparently was a citizen-at-large member of the CCI. As near as we can tell, the CCI  
9 recommended approval of the erosion control ordinance to the planning commission by a  
10 vote of 28 to 6, with petitioner presumably being in the minority. Record 761-62. While we  
11 are without the assistance of the city in this appeal, the appointed CCI appears to have  
12 functioned as the CCI component of the CIP is supposed to function.

13           Petitioner also argues that another citizens group, the Moratorium Support Committee  
14 (MSC) contributed to the drafting of the erosion control ordinance. According to petitioner,  
15 allowing the MSC to work on the erosion control ordinance violates Dunes City Rules of  
16 Procedure (DCRP) 7.2, which requires, among other things, that a citizen committee "shall  
17 cease to exist upon the accomplishments of the special purpose for which it was created."  
18 According to petitioner, the "special purpose" for which the MSC had been created had  
19 concluded, and the MSC should have been disbanded. While the extent of the MSC's  
20 involvement in the drafting of the erosion control ordinance is unclear, even if the city  
21 somehow ran afoul of DCRP 7.2, that rule of procedure is not part of the CCI provisions or  
22 the CIP. In other words, violation of DCRP 7.2 would not in and of itself necessarily be a  
23 violation of the city's CIP and, therefore, would not necessarily constitute a violation of Goal  
24 1. Petitioner's arguments regarding the DCRP are not sufficiently developed to provide a  
25 basis for reversal or remand.

1 As to the CCI and the CIP, we fail to see how the city violated those provisions.  
2 Even if there were deviations from the requirements set out in those provisions, petitioner  
3 does not establish that any such deviations prejudiced his substantial rights, including the  
4 opportunity to prepare and submit his case to the city. *Muller v. Polk County*, 16 Or LUBA  
5 771, 775 (1988). As far as we can tell, petitioner participated in the CCI, presented his case  
6 to the planning commission, and presented his case to the city council. In fact, it appears that  
7 petitioner was at least as involved in this matter as anyone else. The record is replete with  
8 petitioner’s submissions, arguments, and testimony in opposition to the challenged decision.

9 The second assignment of error is denied.

10 **THIRD ASSIGNMENT OF ERROR**

11 Petitioner argues that the city committed numerous violations of the Public Meetings  
12 Law, ORS 192.610 *et seq.* According to petitioner, the city violated the Public Meetings  
13 Law regarding notices, agendas, meetings, quorums, and decision making. The short answer  
14 to petitioner’s argument is that even assuming all of petitioner’s allegations are accurate, the  
15 exclusive remedy for violation of the Public Meetings Law is to file suit in circuit court.  
16 ORS 192.680 provides in pertinent part:

17 “(2) Any person affected by a decision of a governing body of a public  
18 body may commence a suit in the circuit court for the county in which  
19 the governing body ordinarily meets, for the purpose of requiring  
20 compliance with, or the prevention of violations of ORS 192.610 to  
21 192.690, by members of the governing body, or to determine the  
22 applicability of ORS 192.610 to 192.690 to matters or decisions of the  
23 governing body.

24 “\* \* \* \* \*

25 “(6) The provisions of this section shall be the exclusive remedy for an  
26 alleged violation of ORS 192.610 to 192.690.”

27 It may be that the alleged violations of the Public Meetings Law also constitute  
28 violations of other statutory or local procedural requirements that might provide a basis for  
29 reversal or remand of the challenged decision if the alleged violation resulted in prejudice to

1 petitioner’s substantial rights. However, petitioner does not develop such an argument.  
2 Petitioner’s arguments therefore do not provide a basis for reversal or remand.

3 The third assignment of error is denied.

4 **FOURTH ASSIGNMENT OF ERROR**

5 Petitioner argues that the city did not adopt sufficient findings to support the  
6 challenged decision. As we explained above in our disposition of petitioner’s Goal 5  
7 arguments, the failure of a decision maker to adopt findings in support of a legislative  
8 decision is not necessarily a basis in itself for reversal or remand. Under Goal 2, a legislative  
9 decision must be based upon an “adequate factual base.” The Goal 2 requirement for an  
10 adequate factual base essentially requires that the decision be supported by substantial  
11 evidence that relevant approval criteria are satisfied. *1000 Friends of Oregon v. City of*  
12 *North Plains*, 27 Or LUBA 372, 377-78, *aff’d* 130 Or App 406, 882 P2d 1130 (1994). The  
13 Goal 2 adequate factual base requirement, however, does not exist in a vacuum. A petitioner  
14 must establish that there is some applicable statewide planning goal or other applicable  
15 criterion that requires such an adequate factual base. *OCAPA v. City of Mosier*, 44 Or LUBA  
16 452, 462 (2003). As discussed earlier, the only statewide planning goals that petitioner  
17 argues the city violated are Goal 1, Goal 2, and Goal 5. As discussed earlier, petitioner has  
18 not established that the city violated any requirement that is imposed by those goals. In  
19 making his adequate factual base argument, petitioner has failed to identify any legal  
20 requirement under the cited goals for which the city must ensure that its decision is supported  
21 by substantial evidence to demonstrate that such legal requirement is satisfied. Petitioner’s  
22 arguments do not provide a basis for reversal or remand.

23 The fourth assignment of error is denied.

24 **FIFTH ASSIGNMENT OF ERROR**

25 Petitioner argues that the challenged decision constitutes a taking of private property  
26 without just compensation and is therefore unconstitutional. Petitioner devotes considerable

1 length to arguing that the challenged decision is a taking under the analysis that is required  
2 under the United States Supreme Court's decision in *Dolan v. City of Tigard*, 512 US 374,  
3 114 S Ct 2309, 129 L Ed 2d 304 (1994). Petitioner's arguments, however, are misplaced.  
4 While an extended discussion of takings law is unnecessary, it is sufficient to note that *Dolan*  
5 applies to exactions, where, in general, an applicant is required to give up property as a  
6 condition of approval of a development. The *Dolan* analysis simply does not apply to so-  
7 called regulatory takings where a local government's regulation simply restricts a property  
8 owner's ability to develop property. The disputed erosion control measures do not impose  
9 any exactions. Any takings argument regarding the challenged erosion control measures  
10 would have to be a regulatory takings argument. We will not develop a regulatory takings  
11 argument for petitioner. Therefore, petitioner's arguments do not provide a basis for reversal  
12 or remand.

13 The fifth assignment of error is denied.

14 **SIXTH ASSIGNMENT OF ERROR**

15 Petitioner's arguments under this assignment of error essentially repeat arguments  
16 made elsewhere in the brief, particularly regarding compliance with the statewide planning  
17 goals. As we discussed in the first assignment of error, petitioner does provide here the basis  
18 for his assertion that the goals apply to the challenged decision under ORS 197.835(7)(b).  
19 Petitioner's arguments that the city violated the goals, however, merely repeat the general  
20 allegations we rejected in the first and second assignments of error. We reject those  
21 arguments for the same reasons.

22 The sixth assignment of error is denied.

23 **SEVENTH ASSIGNMENT OF ERROR**

24 As far as we can tell, this assignment of error adds nothing to the arguments made  
25 elsewhere in the petition for review. We reject those arguments for the same reason.

26 The seventh assignment of error is denied.

1 **EIGHTH ASSIGNMENT OF ERROR**

2 Petitioner argues that LUBA must remand the challenged decision because the city  
3 did not provide DLCD with at least 45 days notice before the first evidentiary hearing as  
4 required by ORS 197.610(1).<sup>4</sup> As far as we can tell from the record, petitioner is correct that  
5 the city did not provide DLCD with 45 days notice. The city only provided DLCD with 16  
6 days notice. Record 1150.

7 Where there is a complete failure to provide notice to DLCD under ORS 197.610(1),  
8 that is a substantive error, not a procedural error, and remand is required. *Oregon City*  
9 *Leasing, Inc. v. Columbia County*, 121 Or App 173, 177, 854 P2d 495 (1993). In cases  
10 where a local government actually provides the notice required by ORS 197.610(1) but  
11 deviates from the statutory notice requirement in some way, such as not providing 45 days  
12 notice, in order to provide a basis for reversal or remand, a petitioner must demonstrate that  
13 the deviation prejudiced his substantial rights. *Bryant v. Umatilla County*, 45 Or LUBA 653,  
14 657 (2003). Petitioner does not argue that the city’s failure to provide timely notice to  
15 DLCD prejudiced his substantial rights, and we do not see that he could, as he participated at  
16 every stage of the proceedings below. Therefore, petitioner’s arguments provide no basis for  
17 reversal or remand.

18 The eighth assignment of error is denied.

19 The city’s decision is affirmed.

---

<sup>4</sup> ORS 197.610(1) provides:

“A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending.”