

This brochure provides an overview for those interested in Washington County's Land Development process. It details the steps a property owner or development applicant must follow before a final action can be taken. Specific development actions and procedures may differ and interested parties should review the Development Code.

Article II of the County Community Development Code establishes these procedures, along with **four levels of procedural review**. An understanding of the various levels of review is key to understanding the development process.

Type I actions involve permitted uses that are governed by clear and objective criteria, and are not land use decisions. Examples include:

- Issuance of building permits
- Final approvals
- Property line adjustments

Type II actions are presumed to be appropriate for the land use district in which they are located. Review criteria are reasonably objective, and limited discretion is required. Conditions of approval may be imposed to mitigate some impacts of the development. Examples include:

- Subdivisions
- Partitions
- Commercial and industrial buildings

Type III actions are generally more complex. They may require considerable discretion and may need extensive conditions of approval to mitigate their impact and/or to ensure compliance with the Code/Community Plan. Because interpretation is involved, opportunities for public input are maximized. Examples include:

- Special use permits, such as for golf courses, schools, public buildings, rock quarries and non-farm dwellings

Type IV actions are legislative, and involve the Board of County Commissioners adopting an ordinance. (This brochure will not go into those procedures.)

Summary of Procedures Type II and Type III



Development must commence within two years of receiving preliminary approval; however, an extension may be obtained. Final approval, plat recordation and construction permits still must be obtained. (See *Part Two*.)

If you have further questions, you may call the Department of Land Use and Transportation, Current Planning Division, at 503-846-8761. Our web address is www.co.washington.or.us. You are also invited to meet with your local Citizen's Participation Organization; they are well acquainted with these processes and helped prepare this brochure. You may contact them by calling 503-821-1128 or on the web at <http://extension.oregonstate.edu/washington/cpo>

The Land Development Process: Part One



Washington County Department of
Land Use & Transportation



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BRO 28 • 05/09

Stages of the Land Development Process

Current Planning applications go through the following steps:

1. Pre-Application Conference

This conference acquaints the applicant or their representative(s) with the requirements of the Development Code, other elements of the County Comprehensive Plan, and other relevant criteria. Anyone interested in pursuing a development action must either take part in such a “pre-app” conference or sign a waiver stating they are already familiar with the county’s requirements.

2. Neighborhood Meeting

For most urban and some rural applications, applicants are required to hold a meeting with the surrounding neighbors prior to submitting an application. This provision helps identify problems early in the process.

3. Application Submittal

When a development application is submitted, it is reviewed within 30 days to make sure that it is complete, with all necessary information included. If so, the application is accepted for review. If not, the applicant is notified that the application must be completed and resubmitted.

State law generally requires final decisions for all applications, including resolution of all appeals, to be made within 120 days of the date an application is accepted as complete (commonly known as the 120-Day Rule). The only extension allowed by the 120-Day Rule is at the request of the applicant. (150 days for most rural applications.)

4. Public Notice

Type I: Because there is no discretion in this review process, there is no public notice requirement. The applicant/owner may appeal the decision to the Hearings Officer.

Type II: Once an application is accepted, a copy is immediately sent to the appropriate Citizen’s Participation Organization (CPO). Approximately two to three weeks later, public notice is provided to residents within 500 feet of the proposed action in the urban area, and 1,000 feet in the rural area. This opens a two-week comment period. A notice of the Director’s decision is mailed to all who received the first notice plus all who gave testimony during the comment period.

Type III: When an application is accepted, a copy is mailed to the appropriate CPO, along with notice of the scheduled date for the public hearing. A public notice is sent out 20 days prior to the hearing, and a copy of the application is available for public review at least 20 days prior to the hearing. The public notice lists the applicable review criteria, and includes a “raise it or waive it” statement. (*“Raise it or waive it” means that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State’s Land Use Board of Appeals (LUBA) based on that issue.*) Staff reports are available for review at least seven days prior to the hearing. A notice of the Hearing’s Officer’s decision is mailed to the parties of record. To be “a party of record”, a citizen must have made an appearance in writing or in person at the hearing.

5. Staff Reports

Type I: Spells out whether objective standards have been met.

Type II: These reports address citizen concerns/comments provided during the two-week comment period. They also review applicable standards of the Development Code and other Comprehensive Plan documents to ensure compliance, and set out necessary conditions of approval.

Type III: Mailed to the appropriate CPO seven days before a hearing. Citizen comments received prior to the preparation of the report are addressed. Comments that are generated by the staff report can be submitted at the public hearing. As above, Type III reports address applicable standards of the Development Code and Comprehensive Plan documents.

6. Public Hearing/Decision/Notice

Type I: A decision is made by the Director, and a Notice of Decision is provided to the applicant.

Type II: Following review of the staff report and public comment, the Director makes a decision. A Notice of Decision is sent to parties of record and the appropriate CPO.

Type III: The Hearings Officer holds a public hearing to receive testimony from the applicant, staff and the public. The burden of proof rests with the applicant to demonstrate that the proposed development is in compliance with the applicable standards. If additional evidence or documents are provided or at the conclusion of the initial evidentiary hearing, any party may request a continuation of the hearing. At the conclusion of the hearing, or on a future specified date, the Hearings Officer makes a decision. He or she provides findings of fact, conclusions of law, and an order for all development approvals, approvals with conditions or denials.

7. Reconsideration and Appeal

Reconsideration of a Type I decision on a development action is available only as an extraordinary remedy upon a determination that:

- The party requesting reconsideration has sufficiently alleged in writing that a mistake of law or fact occurred;
- The alleged mistake, if found to have occurred, was a substantial factor in the decision; and
- Reconsideration is appropriate to avoid delay or hardship that may be caused by an appeal.

A motion for reconsideration must be filed with the Director of the Department of Land Use and Transportation within seven days of the Notice of Decision. It does not stay the 10-day deadline for filing an appeal. For a Type I decision, within seven calendar days the Director shall issue a written notice of the decision to grant or deny the motion for reconsideration to the party requesting it. This decision is not subject to appeal.

The Hearings Officer hears appeals of Type I and II decisions of the Director. A Petition for Review (Appeal) must be filed within 10 days for Type I and 12 days for Type II of the Review Authority’s decision. This Petition must reference the Community Development Code, a Community Plan or some other applicable standard. A \$996 fee is charged to initiate a Type I appeal to the Hearings Officer. Type II appeal fees are \$250 urban, \$250 rural. Rarely, Type III appeals are heard by the Board of County Commissioners. Most Type III appeals go directly to LUBA. A final decision by the Hearings Officer may be appealed to LUBA within 21 days.

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