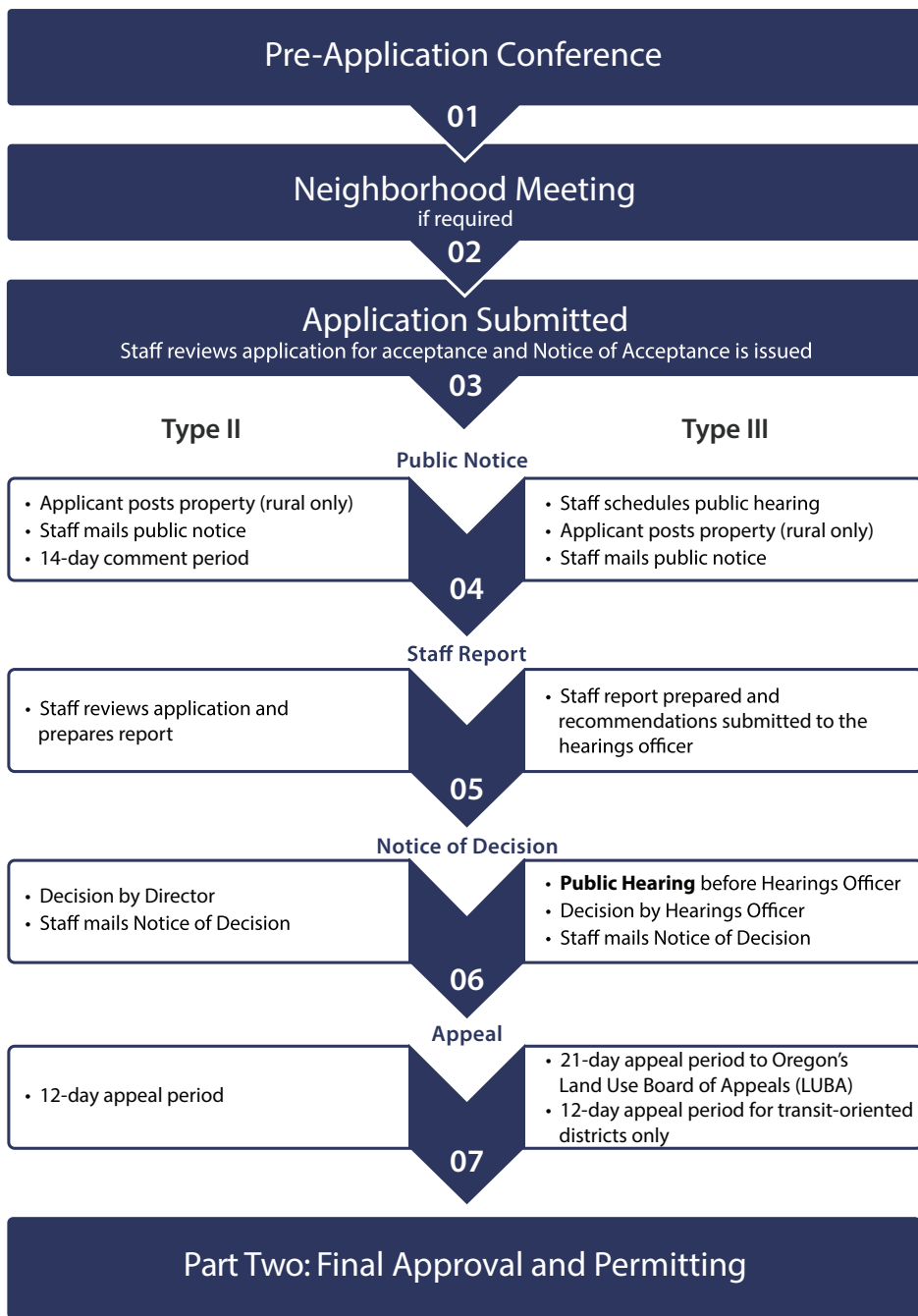


Land Development Process Summary



7. Appeal (continued)

A final decision by the Hearings Officer may be appealed to LUBA within 21 days of the Notice of Decision. Visit www.oregon.gov/LUBA for additional information.

Appeals of Type III decisions in transit oriented districts are heard and decided by the Board of County Commissioners. A Petition for Review and the applicable fee must be submitted to the Director within 12 days of the Notice of Decision. The petition must reference one or more specific Community Development Code, Community Plan or other applicable standards the appellant alleges were not properly considered in the original decision.

Next Steps: Final Approval and Permitting

For many development proposals, the Notice of Decision is considered a preliminary approval. Final approval, and construction permits must be obtained and in some instances, a plat recorded prior to commencing development activity on the site. In most cases, development must commence within four years of the Notice of Decision; however, a two year extension may be requested. Refer to *The Land Development Process: Part Two* for additional information.

Additional Resources:

Current Planning website: www.co.washington.or.us/CurrPlan

Community Development Code: www.co.washington.or.us/DevCode

CPO Program: www.co.washington.or.us/CPO

Community Plans: www.co.washington.or.us/ComPlans

Track Development Application Activity:

Land Use Projects Under Review
www.co.washington.or.us/devreview

Land Use Public Notices Open for Comment
www.co.washington.or.us/devnotices

Recent Notices of Decision
www.co.washington.or.us/devdecision

Phone: 503-846-8761

Email: lutdev@co.washington.or.us



Department of Land Use & Transportation Planning and Development Services The Land Development Process: Part One



This is an overview of the steps property owners or development applicants must follow before a final action can be taken.

Specific development actions and procedures may differ from what is contained herein and interested parties should review the County's Community Development Code for more information: www.co.washington.or.us/devcode

Article II of the Community Development Code establishes these procedures, including three 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. Examples of Type I actions 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. Type II action 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 Community Development Code and other County Comprehensive Plan elements. Type III land use applications are decided by a Hearings Officer following a public hearing. Examples of Type III actions include:

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

Land Development Process

Development applications go through the following stages:

1. Pre-Application Conference

This conference acquaints the applicant or their representative(s) with the requirements of the Community Development Code and other County Comprehensive Plan elements. Anyone interested in pursuing a development application must either take part in a pre-application conference or sign a waiver acknowledging their understanding of the County's requirements and dismissing their opportunity to engage in a pre-application conference.

2. Neighborhood Meeting

For many urban and some rural actions, applicants are required to hold a meeting with the surrounding neighbors prior to submitting an application. This provision allows the neighborhood to discuss the proposal early in the process.

3. Application Submittal

When a development application is submitted for acceptance and review, the applicant is notified within 30 days whether the application is complete or is lacking required documentation. If documentation is missing, the applicant must provide the missing information and can then resubmit the application for review.

State law generally requires final decisions for all actions including resolution of all appeals, to be made within a set number of days** from the date an application is deemed complete. The only extension to this rule is at the request of the applicant.*

* Oregon Revised Statute (ORS) 215.427

**Urban – 120 Days Rural – 150 Days

4. Public Notice

Depending upon the required development review procedure type, the County may need to provide public notice.

Type I: Public notice is not required for Type I actions.

Type II: Once a development application is accepted, a copy is mailed to the designated Community Participation Organization (CPO) for the area. A copy of the development application is also available for public review at that time. About two to three weeks later, public notice is mailed to the CPO and to the owners of properties within 500 feet of the proposed development site inside the Urban Growth Boundary (UGB) and within 1,000 feet outside the UGB. This notice informs the CPO and nearby property owners of a two-week period during which written comments may be submitted on the development application.

Type III: When a development application is accepted, a copy is mailed to the CPO and a copy is also available for public review at that time. A public notice is mailed 20 days prior to the required public hearing to the CPO and to the owners of properties within 500 feet of the proposed development site inside the UGB and within 1,000 feet outside the UGB. This notice informs the CPO and nearby property owners of the date and location of the required public hearing on the development proposal. Public comment may be submitted in writing prior to or at the public hearing, and public testimony will be taken during the hearing.

5. Staff Report

Staff reports address Community Development Code, Community Plan or other County requirements applicable to the proposed development. The Director of Land Use & Transportation (or designee) considers staff recommendations prior to issuing a decision on Type I and II applications. The Hearings Officer considers staff recommendations prior to issuing a decision on Type III applications.

Type I: Staff reports review applicable standards of the Community Development Code and other requirements.

Type II: Staff reports also address written comments submitted during the two-week public comment period and include conditions of approval as appropriate to ensure compliance with the applicable standards.

Type III: Staff reports address written comments submitted prior to issuance of the staff report, and include recommended conditions of approval as appropriate to ensure compliance with the applicable standards.

Additional comments may be submitted up to and during the public hearing. Staff reports are mailed to the applicant and the CPO seven days before the public hearing.

6. Public Hearing (Type III only) and Notice of Decision

Type I: Following review of the staff report, the Director makes a decision and a Notice of Decision is mailed to the applicant.

Type II: Following review of the staff report and public comment, the Director makes a decision. A Notice of Decision is mailed to the applicant, the CPO, those who received the public notice, and those who submitted written comments in response to the public notice.

Type III: The Hearings Officer holds a public hearing to receive testimony from the applicant, County staff and the public. If additional evidence or documents are provided at the initial evidentiary hearing, any party may request the Hearings Officer to continue the hearing or to hold the record open to allow the parties to respond. At the conclusion of the hearing, or on a future specified date, the Hearings Officer makes a decision based on findings of fact and conclusions of law. The Hearings Officer's decision is mailed to the applicant, the CPO, and those who provided written comments or who testified at the hearing.

7. Appeal

Type I and II: These development decisions may be appealed by those entitled to receive a Notice of Decision (as outlined above) by submitting a Petition for Review and the applicable fee to the Director within 12 days of the Notice of Decision. The petition must reference one or more specific Community Development Code, Community Plan or other applicable standards the appellant alleges were not properly considered in the Director's decision. Appeals of Type I and II decisions of the Director are heard and decided by a Hearings Officer.

Type III: These development decisions may be appealed by those entitled to receive a Notice of Decision as outlined above. Most Type III appeals go directly to the State of Oregon's Land Use Board of Appeals (LUBA). (*Continued on back panel*)