# THE LAND DEVELOPMENT PROCESS:
## *What you need to know*

The development approval process involves three types of actions, which vary by use, impact on the land, consideration of possible impacts to nearby properties and more. Article II of the Washington County Community Development Code sets up these procedures and requirements.
*NOTE: If your project is within a city, contact the city's planning department.*

**Type I** actions involve projects with permitted uses governed by clear and objective standards.

The Director of Land Use & Transportation approves or denies these actions.

**Type I examples:**
- Temporary Use permits
- Final approvals
- Property line adjustments

**Type II** actions include projects that meet requirements of the relevant land use district. Reviews involve some discretion. Conditions of approval are often required to address issues such as potential impacts to the area or improvements in the public right-of-way.

**Type II examples:**
- Subdivisions
- Partitions
- Commercial or industrial buildings

**Type III** actions are usually involve more complex considerations. They may require:
- Significant discretion
- Extensive conditions of approval to reduce impacts to surrounding areas or to ensure compliance with the Community Development Code and the Comprehensive Plan

**Type III** actions include a public hearing before an independent Hearings Officer to make sure proposals meet the Community Development Code. In addition to accepting public testimony, the Hearings Officer approves or denies these applications. Neither the Washington County Board of Commissioners nor Land Use & Transportation staff decides these applications.

## *Development application process*

1 **Pre-Application conference — Type II , Type III and middle housing.**
At this meeting we review the Community Development Code and Comprehensive Plan requirements that apply to your project. If you choose not to have a conference, you must sign a waiver saying that you understand County requirements and do not want a pre-application conference. A pre-application conference is recommended for all middle housing applications.

2 **Neighborhood meeting:**
For most Type II and Type III procedures, you must hold meetings with the surrounding neighbors before you submit an application. This allows neighbors to comment on the project early in the process.
**See Washington County Neighborhood Meeting.**

3 **Application submittal:**
You will submit your application, fee and documentation for review. We will notify you when your application is complete or if we need more information.

# THE LAND DEVELOPMENT PROCESS:
## *Development application process, continued*

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### Public Notice:

Depending on the application type, we may need to provide public notice of the application.

- **Type I:** No notice required.
- **Type II and Type III:** Copies of your application will be available for review and mailed to the appropriate parties. About two weeks later, we begin accepting written comments from the public on the application **through our website**. We mail a public notice to nearby property owners letting them know about the comment period.
- **Additional Type III requirements:** Twenty days before the public hearing, we mail public notice to nearby property owners letting them know the hearing date/time and how to attend. The notice includes how to submit comments online before the hearing and testimony during the hearing.

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### Staff Reports:

The staff report includes recommendations for your application, based on the Community Development Code, Community Plan and other County requirements.

- **Type I:** Staff applies only clear and objective criteria.
- **Types II and III:** These address the written criteria, comments and testimony received and include conditions of approval to ensure compliance.
- **Type III:** We mail staff reports to you before the hearing. The Hearings Officer considers staff recommendations when issuing decisions.

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### Public Hearing (Type III only):

The Public Hearing is held before an independent Hearings Officer. It can include testimony from you, County staff and the public. If new information is presented, anyone may ask the Hearings Officer to continue the hearing or hold the record open to allow people to respond. After the hearing or on a specified date, the Hearings Officer issues a decision based on findings of fact and conclusions of law.

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### Notice of Decision:

- **Type I:** We mail the Director's Notice of Decision to you.
- **Type II:** We mail the Director's Notice of Decision to you, those who received the public notice and those who submitted comments.
- **Type III:** We mail the Hearings Officer's decision to the applicant, and those who submitted comment or testimony.

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### Appeal:

- **Type I and II:** Anyone who receives a Notice of Decision can appeal these decisions by submitting a Petition for Review and fees to the Director within 12 days of the Notice. The petition must reference at least one specific Community Development Code, Community Plan or other standard allegedly not properly considered. A Hearings Officer decides these appeals.
- **Type III:** Anyone who receives a Notice of Decision can appeal a Type III decision by submitting a Petition for Review. Type III appeals go before Oregon's Land Use Board of Appeals (LUBA). You must submit Type III appeals to LUBA within 21 days. Visit LUBA **www.oregon.gov/LUBA**.
- **Type III, Transit-Oriented Districts:** These are appealed by submitting a Petition for Review. Appeals go to the Hearings Officer for review. Decisions may be appealed to LUBA within 21 days. Visit LUBA **www.oregon.gov/LUBA**.