

203 PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-1 Initiation and Withdrawal of Action

203-1.1 Type I, II and III development actions may be initiated only by:

- A. Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owners or contract purchasers. For development allowed within a recorded easement, the signature of the other party to the easement is not required. In case of an application for a plan designation which requires that an exception be taken to Statewide Goals 3 and 4 pursuant to Goal 2, only one owner/applicant's signature is required. Contract purchasers shall indicate in writing that the contract vendor(s) has been notified of the application. If a lot or parcel has been divided without the approval of the County and such approval was required at the time the division occurred, a development action for approval of the improper division may be initiated by the owners of a portion of the existing lot or parcel, notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval;
- B. The Board of County Commissioners;
- C. The Planning Commission;
- D. The Director; or
- E. Public agencies or private entities that have statutory rights of eminent domain for projects they have the authority to construct.

203-1.2 Director Withdrawals

- A. Any application, petition for review or motion for reconsideration may be withdrawn by the Director at the request of the applicant or petitioner except when an application is deemed complete. Once accepted as complete, the application may be withdrawn only if the Director determines that:
 - (1). Written consent to withdraw an application has been obtained from a majority of the owners or contract purchasers or the majority interest holders in the property, or all signers of the petition for review; and
 - (2). No existing violation of this Code or the Comprehensive Plan, which might best be cured by further processing the application, have been identified on the subject property.
- B. Applications for quasi-judicial plan amendments that are not made complete within one-hundred eighty (180) days shall be withdrawn by the Director on the one-hundred eighty-first (181) day after first being submitted.

203-1.3 If an application, petition for review or motion for reconsideration is withdrawn after public notice has been provided and the Review Authority has not rendered a decision, the Director shall provide written notification to all persons that were

entitled to be mailed a public notice of pending review of the Type II or Type III action and all parties of record stating the application has been withdrawn.

203-1.4 Fees for applications and petitions for review withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the County.

203-2 Pre-Application Conference

203-2.1 No application for a Type II or Type III development action shall be received by the Director unless the applicant or the applicant's representative has:

- A. Attended a pre-application conference; or
- B. Signed a waiver, on a form prepared by the Director, waiving the pre-application conference requirement.

203-2.2 The purpose of the pre-application conference is to acquaint the applicant or representative with the requirements of this Code, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant. The applicant assumes the risk for delays or other problems caused by failure to attend.

It is impossible, however, for the conference to be an exhaustive review of all potential issues and the conference shall not bind or stop the County in any way from enforcing all applicable regulations.

203-2.3 Pre-application conferences shall be scheduled by the Director at the earliest reasonable time.

203-2.4 As soon as practicable, the Director shall provide the applicant or representative with a written summary of the meeting.

203-2.5 If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within one year of the conference, a new conference or waiver shall be required.

203-3 Neighborhood Meeting

203-3.1 Intent and Purpose:

The purpose of the neighborhood meeting is to provide a means for the applicant and surrounding neighbors and Citizen Participation Organization (CPO) representatives to meet to review a development proposal and identify issues regarding the proposal so they may be addressed prior to application submittal in a manner that is consistent with the requirements of this Code. This preliminary meeting is intended to result in an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. Early citizen participation through the neighborhood meeting is an effective form of citizen involvement because it provides the opportunity to maximize citizen participation to identify issues very early in the process.

203-3.2 The following types of application shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

Partitions;

Subdivisions;

Type III Special Uses;

Type II Manufactured Dwelling Parks;

Type II Hardship Relief - (Article V only);

Type III Variances;

Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);

Residential Planned Developments;

Type II or III Development Review -Residential; and

Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the proposal abuts a Residential District).

B. Outside the UGB:

Subdivisions - when greater than 10 lots;

Type III Special Uses;

Type II New Quarry applications;

Type III Variances;

Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);

Type II Hardship relief - Lot area only;

Type II or III Development Review - Rural Commercial, Rural Industrial, MAE, (required only when the proposal abuts the AF-5, AF-10, or RR-5 District).

203-3.3 Neighborhood Meeting Requirements

Neighborhood meetings shall be held at a location within the boundaries of the applicable CPO. The meeting shall be held on a weekday evening, or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to the surrounding neighborhood and applicable CPO. The applicant shall also post notice of the neighborhood meeting by posting a sign on the subject site in advance

of the meeting. The applicant shall prepare meeting notes of major points about the development proposal that were discussed at the meeting. The applicant shall be required to hold only one meeting prior to submitting an application for a specific site, but may hold more if desired. The Board of County Commissioners shall establish by Resolution and Order specific requirements for notice of posting and conducting of neighborhood meetings for the categories of applications described in Section 203. The Board shall describe the requirements and procedures for each category of application. These requirements may be amended by Resolution and Order of the Board.

If the applicant fails to hold a neighborhood meeting and the application is deemed complete, failure to hold a neighborhood meeting in accordance with these provisions and the Resolution and Order prior to submittal of a complete application shall result in denial of the application. If the applicant adds one or more tax lots to the development application after the neighborhood meeting, the applicant shall hold an additional neighborhood meeting with a new notice.

203-4 Application

203-4.1 Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.

203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:

- A. A completed original application form, signed by all persons required for initiating an application under Section 203-1.1. No application shall be deemed complete if it is determined that all necessary authorization to file has not been obtained. Failure to provide such authorization shall result in denial of the application;
- B. A current Washington County tax map(s) showing the subject property(ies);
- C. Current county tax maps showing all properties in an adjoining county that are:
 - (1) Within five hundred (500) feet of the subject property(ies) in the Urban area; or
 - (2) Within one thousand (1,000) feet of the subject property(ies) in the Rural area.

The tax maps shall be obtained from the adjoining county;

- D. Documentation of the names and addresses of the owners of record of the properties described in C above recorded with the Department of Assessment and Taxation of the adjoining county;
- E. A site plan of the property illustrating the property boundaries, proposed and existing: structures and improvements, easements, driveways, water and sewer lines, septic tanks and drainfields, and all drainage courses and structures within 250 feet of a drainage course. Site plans of the entire property must be drawn at

an even scale (1:100 preferred) with detailed site plans drawn at an even scale (1:20 preferred) on 11x17 paper, or as approved by the Director.

- F. Documentation of whether a railroad-highway crossing provides or will provide the only access to the subject property.
- G. Information required pursuant to Article V, Public Facility and Service Requirements. Outside the Urban Growth Boundary, any proposed development action that would generate additional vehicular trips (other than one house on an existing vacant lot and uses listed as exempt in Article V) shall provide evidence that any access to a public road meets the sight distance requirements of Section 501-8.5F. A Sight Distance Evaluation or completed Traffic Impact Statement prepared by county staff, or a Sight Distance Certification prepared, stamped and signed by a registered Oregon engineer in accordance with Sec. 501-8.5F. may serve as evidence;
- H. Additional information required by other provisions of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code;
- I. Additional information directly related to the applicable standards of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code as deemed essential by the Director to evaluate adequately the specific application for compliance with those criteria and standards;
- J. A written statement that explains the criteria and standards considered relevant to the application, states the facts relied upon in determining that the application meets the applicable criteria, standards, and explains the justification for approving the application based on the criteria and standards and facts set forth in the application. The findings must be substantive, not just recitations of the criteria and standards, and shall be supported by evidence in the application;
- K. Evidence of compliance with the Neighborhood Meeting requirements required by Section 203-3, if required;
- L. The applicable fees adopted by the Board of County Commissioners are hereby incorporated by reference as the fees herein. These fees may be amended by Resolution and Order by the Board; and
- M. For lands within the Clean Water Services boundary, documentation from the Clean Water Services which specifies the conditions and requirements necessary for the applicant to comply with the Agency's stormwater connection permit, water quality, erosion control, and sanitary sewer standards.

203-5 Application Submittal and Acceptance

- 203-5.1 Applications shall be submitted to the Director in the number specified on the application form. The Director, however, may waive copies of specific documents,

maps or exhibits upon a determination that the difficulty or burden of copying outweighs the usefulness of the copies.

- 203-5.2 No application shall be received by the Department for determination of completeness without the appropriate application fee.
- 203-5.3 Except as provided in Sections 203-5.6 and 203-5.7, the Review Authority shall take final action on an application for a development action, including resolution of all appeals under ORS 215.422, within one-hundred twenty (120) days for all applications inside the UGB and mineral aggregate extraction and one-hundred fifty (150) days for all applications (except mineral aggregate extraction) outside the UGB, after the application is deemed complete.
- 203-5.4 If an application is incomplete, the Review Authority shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of Section 203-5.3 upon receipt by the governing body or its designee of:
- A. All of the missing information;
 - B. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - C. Written notice from the applicant that none of the missing information will be provided.
- 203-5.5 On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted the applicable information as described in Section 203-5.4.
- 203-5.6 If the application was complete when first submitted or the applicant submits the requested additional information within one-hundred eighty (180) days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- 203-5.7 The 120-day and 150-day periods set in Section 203-5.3 may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.
- 203-5.8 The decision of the Director as to completeness of an application, including any required engineering, traffic or other such studies, shall be based on the criteria for completeness, adequacy and methodology set forth in this Code by Resolution and Order of the Board or by action of the Director. Rejection by the Director for incompleteness shall be based solely on failure to address the relevant standards or supply required information and shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.

203-5.9 The Review Authority shall approve or approve with conditions an application which the Director has determined to be incomplete only if it determines that sufficient, accurate information has been submitted and adequately reviewed by the Review Authority with an opportunity for review by affected parties or that conditions can be imposed to ensure proper review at the appropriate time. In all other cases the Review Authority shall defer or deny.

203-6 Staff Report

203-6.1 No decision on Type II and Type III proposed developments shall be made without a staff report. This report shall be provided to the applicant, CPO and Review Authority without charge. All others may obtain a copy upon request and payment of a reasonable fee to cover the cost of reproduction, overhead, and mailing.

203-6.2 A staff report shall be available no later than seven (7) calendar days before a hearing on Type III actions, including Plan Amendments, or any hearing on appeal. Staff reports are mailed approximately seven (7) days prior to the public hearings to the applicant and interested parties who request them. Mailing the report does not guarantee sufficient time prior to the public hearing to respond to the conditions of approval. Obtaining a copy of the staff report in person at the County best assures ample time for review and comment at the public hearing.

203-6.3 Notwithstanding the above, the staff report may be amended as necessary to address issues or information not reasonably known at the time the report is due.

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