



Type II Application Procedures

When Applicable: Type II applications include, but may not be limited to, the following applications:

- Cultural Resource Alteration (Minor)
- Development Review
- Floodplain Activity (Minor)
- Minor Partition Preliminary Plat
- Significant Natural Resource Permit (Minor)
- Subdivision Preliminary Plat (Minor)

See Table 12.70.020-1 of the Community Development Code for a full list of applications and corresponding procedure type.

General Description: Type II procedures apply to “administrative” permits and applications. Decisions on administrative applications are made by City staff, based on reasonably objective approval criteria that require only limited discretion. A decision to approve or deny an administrative application must be made unless the application is withdrawn. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing.

Pre-application conferences and neighborhood meetings are not required for Type II applications, but are strongly encouraged.

Public notice is required for all Type II applications. This notice invites affected parties to participate by providing area property owners and other interested parties with an opportunity to submit written comments on the application during a comment period of a minimum of 14 days before a Notice of Decision is issued.

The review authority for Type II applications is the Planning Director. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions or deny the requested application. The Planning Director’s Decision shall address all of the relevant approval criteria and consider written comments submitted before the close of the comment period. The appeal period for Type II applications is 15 days from the mailing date of the written Notice of Decision.

Type II Application Processing Time: Type II applications are processed in approximately 4 - 6 weeks from determination of application completeness to the issuance of a Notice of Decision.

The following are the Type II procedures as set forth in Section 12.70.040 of the Community Development Code:

12.70.040 Type II Procedure.

- General Description. Type II procedures apply to “administrative” permits and applications. Decisions on administrative applications are made by City staff, based on reasonably objective approval criteria that require only limited discretion. A decision to approve or deny an administrative application must be made unless the application is withdrawn. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing.
- When Applicable. Table 12.70.020-1 identifies Type II applications. Applications not listed on Table 12.70.020-1 may be identified as Type II by the Planning Director based on the General Description

in this Section.

- C. Pre-Application Conference. Pre-application conferences are not required for Type II applications, but are strongly encouraged. Guidelines for pre-applications conferences are set forth in Section 12.70.090.
- D. Neighborhood Meeting. Neighborhood meetings are strongly encouraged for Type II applications, but are not required. Section 12.70.100 sets forth requirements and procedures for neighborhood meetings. These procedures should be considered guidelines for voluntary neighborhood meetings for a Type II application.
- E. Application Requirements.
 - 1. Type II applications shall be submitted on application forms provided by the Planning Director. The application forms shall list applicable submittal requirements as required by Subsection 12.70.110.C.
 - 2. Type II applications shall be accompanied by the required fee.
 - 3. Type II applications are subject to the completeness review procedures set forth in Subsections 12.70.110.D and E.
- F. Public Notice and Comment Period. Public notice is required for all Type II applications. This notice invites affected parties to participate by providing area property owners and other interested parties with an opportunity to submit written comments on the application before a Notice of Decision is issued.
 - 1. After a Type II application has been accepted as complete under Subsection 12.70.110.E, the Planning Department shall mail a written public notice to the following parties:
 - a. The applicant(s) and/or authorized representative(s);
 - b. The owner(s) or contract purchaser(s) of record of the subject property or properties;
 - c. Property owners of record within 200 feet of the perimeter property line of the property or properties subject to the application, using the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation to determine the property owner(s) of record; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
 - 2. Written public notice of the pending application shall include the following information:
 - a. The case file number for the application, the name of the applicant and a concise description of the nature of the request;
 - b. A vicinity map and description of the subject site reasonably sufficient to inform the reader of its location, including map and tax lot number and site address, if available;
 - c. A list of the relevant approval criteria applicable to the decision by Code section number;
 - d. A statement that the application and all documents and evidence submitted by the applicant are available for review, and copies can be obtained at reasonable cost;
 - e. A brief summary of the decision-making process for the application;
 - f. The place, date, and time that written comments on the application are due, and the name and telephone number of the city representative to contact about the

application;

- g. A statement that comments received after the close of the public comment period will not be considered by the Planning Director;
 - h. A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals (LUBA) must be raised in writing prior to the expiration of the comment period with sufficient specificity to enable the applicant and review authority to respond to the issue;
 - i. A statement that a decision shall be issued after the comment period closes, and that decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice of the decision; and
 - j. An affidavit of mailing of the public notice, including the notice, the mailing date and a list of parties to whom the notice was mailed, shall be prepared and made a part of the case file.
3. Public notices for Type II applications shall include a minimum period of 14 days from the date the notice was mailed for the submission of written comments before a Notice of Decision is issued.
- G. Review Authority. The review authority for Type II applications shall be the Planning Director. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions or deny the requested application. The Planning Director's Decision shall address all of the relevant approval criteria and consider written comments submitted before the close of the comment period.
- H. Notice of Decision.
- 1. Within seven days after the Planning Director has issued it, a Notice of Decision shall be sent by mail to the following parties:
 - a. The applicant and/or authorized representative;
 - b. The owner(s) of record of the subject property;
 - c. Any person or group who submitted written comments during the comment period, or who submitted a written request to receive notice of the decision; and
 - d. Any governmental agency which is entitled to the Notice of Decision under an intergovernmental agreement with the City, and other agencies that provided comments during the application review period.
 - 2. The Notice of Decision shall include the following information:
 - a. A brief summary of the proposal, the Decision, and any conditions of approval;
 - b. A description of the site reasonably sufficient to inform the reader of its location, including map and tax lot number and site address, if available;
 - c. A statement of the facts upon which the Planning Director relied to determine whether the application satisfied or failed to satisfy the applicable approval criteria;
 - d. A statement that the decision is final, unless appealed as provided in Section 12.70.180;
 - e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed; and

- f. A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review; and the name and telephone number of the city representative to contact about reviewing the case file.

i. Appeal.

1. The Planning Director's decision may be appealed by the applicant or any person who provided comments during the public comment period.
2. The Decision shall become final unless an appeal is filed.
3. The review authority for an appeal of a Type II application is identified in Table 12.70.020-1.
4. The appeal shall follow the requirements and procedures of Section 12.70.180.
5. The decision of the review authority on the appeal shall be the final decision of the City. Any further appeal shall be made to the Land Use Board of Appeals (LUBA).