

To: Washington County Board of Commissioners  
CC: Stephen Roberts  
Melissa De Lyser

13 December 2023

Washington County  
155 N. First Avenue, Hillsboro, Oregon 97124

The Washington County Committee for Community Involvement (CCI) respectfully submits this letter of concern to the Wash Co Dept of Land Use and Transportation (LUT). This year, community members were excluded from participating in two Land Use decisions because the developers used the Writ of Mandamus process to force a decision before the public was able to file appeals. CCI supports the concerns raised by Community Participation Organizations #1 and #3 (CPO 1 & CPO 3). We request being informed of what steps have been taken to avoid future use of Writ of Mandamus in land use decisions by the development community.

Because the final local decisions exceeded the 120-day rule with both Casefile L2300011-FP, Pond Dredging at the Portland Golf Club and Casefile, L2100351, Thompson Crossing, state law allowed the applicants to obtain a decision via Washington County Circuit Court to avoid an appeal at the local level or an appeal to the Land Use Board of Appeals. Exceeding the 120-day rule causes delays for the development community but eliminating the appeal process has severe consequences for unresolved issues raised by the public.

With current LUT staffing levels, staff finds it challenging to complete all reviews within the 120 days, particularly when there is significant public interest in an application. Additionally, because of the tight land supply in Washington County, many sites being developed are sites that were originally passed over because of unique development challenges. The combination of under-staffing in Current Planning and more complex development applications has put a strain on issuing a final decision within 120 days. Without changes to the process, Washington County will likely see many more applicants going the Writ of Mandamus route in the future.

Although we understand Current Planning staff has implemented changes to speed up applications through process improvements, we are concerned about whether these steps will be adequate. To further improve the processing of land use applications, we would like to suggest the following changes and actions:

- Secure additional funding to adequately staff Current Planning.
- As allowed by code, use the Type III process for complex or sensitive development issues even when code seems to allow a Type II process.
- Encourage improved interaction between the public and the development community. Staff should not be required to invest time in negotiating with the developer to resolve issues raised by the public.
- If additional information is required from a developer to demonstrate compliance with code, deny the application if the developer is unwilling to extend the 120-day clock.
- Direct our legislative lobbyists to seek Oregon state law changes that currently allow developers to circumvent the appeal process.

We request a written response to this letter.

Sincerely,



Bruce Bartlett, Chair, Washington County Committee for Community Involvement  
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