



STAFF REPORT

Meeting Type: Planning Commission
Meeting Date: January 13, 2025
From: Josh Soper, City Attorney
Subject: Land Use Training

PURPOSE / OBJECTIVE:

Training from the City Attorney's Office on land use issues.

BACKGROUND / CONTEXT:

Staff periodically requests that the City Attorney's Office provide a training on land use issues for the benefit of the Planning Commission. This will be a refresher for some members of the Commission and will provide a good baseline in land use law for new members.

KEY CONSIDERATIONS / ANALYSIS:

During the presentation, the City Attorney will provide a brief overview of land use basics, including the history and purpose of Oregon land use law, the role of the State and of cities, and the types of land use decisions you may be asked to make.

The presentation will also cover important issues that frequently arise in this context, including bias, ex parte contacts, and conflicts of interests, and how to avoid and address them when necessary. It will also touch on related Government Ethics and Public Meetings issues.

Commissioners will learn about requirements relating to holding public hearings, issues commonly associated with hearings, and how to understand criteria and draft findings. The training will lay out the appeals process, including what to expect if the City's decision is appealed to LUBA.

Finally, the presentation will cover the 120-Day and Fixed Goalpost Rules associated with land use law, along with "clear and objective" requirements, common constitutional issues, and recent legislation.

The presentation will end with a Q&A opportunity, and in the attached presentation materials you will find additional resources in the event you'd like to dig deeper into this subject.

LIST OF ATTACHMENTS / EXHIBITS:

Presentation