

A photograph of a park scene. In the foreground, there is a stone wall and a small stream. In the background, there are lush green trees and a bird with its wings spread in flight. A semi-transparent yellow box is overlaid on the center of the image, containing text.

PLANNING 401: Development Review Process Overview

**Council Conversation
November 25, 2024**



Tonight's Agenda

- Recap of Planning Series
- Development Review Process
- Overview of Procedure Types
- Typical Intake Process
- Typical Review Process
- Public Comment Process
- Project Website
- Decisions
- Questions





Planning Series Recap - 101

Why do we plan? Broad history:

- US Constitution establishes property rights, due process, and state rights
- Oregon establishes rules for:
 - Citizen Involvement
 - Growth (*housing + employment*) inside Urban Growth Boundaries
 - Preservation of farm, forest, and resource lands





Planning Series Recap - 101

Why do we plan? Local land use history:

- Suburban growth accelerated in the postwar era
- Oregon adopted a statewide program for land use planning in 1973
- Tualatin adopted its Comprehensive Plan & Development Code in 1982
- Development trends are changing—state mandates for mixed uses and increased densities





Planning Series Recap - 201

How does a Comprehensive Plan work?

- Expresses Council's interpretation of "public interest"
- Establishes goals and policies for land development
- High-level document that is carried out by the development code

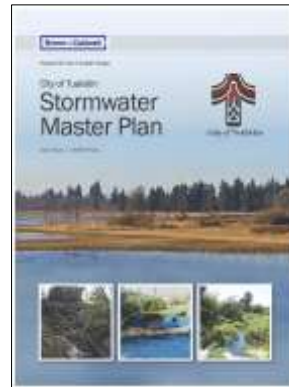
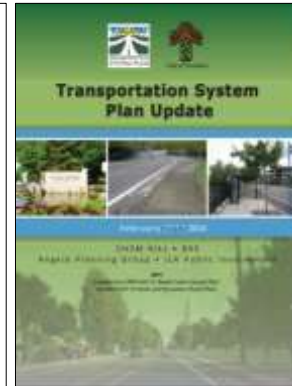
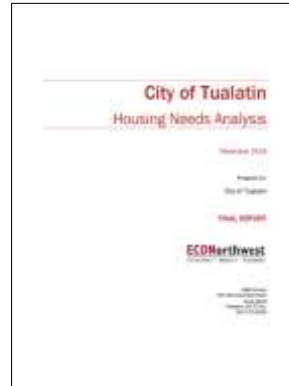




Planning Series Recap - 201

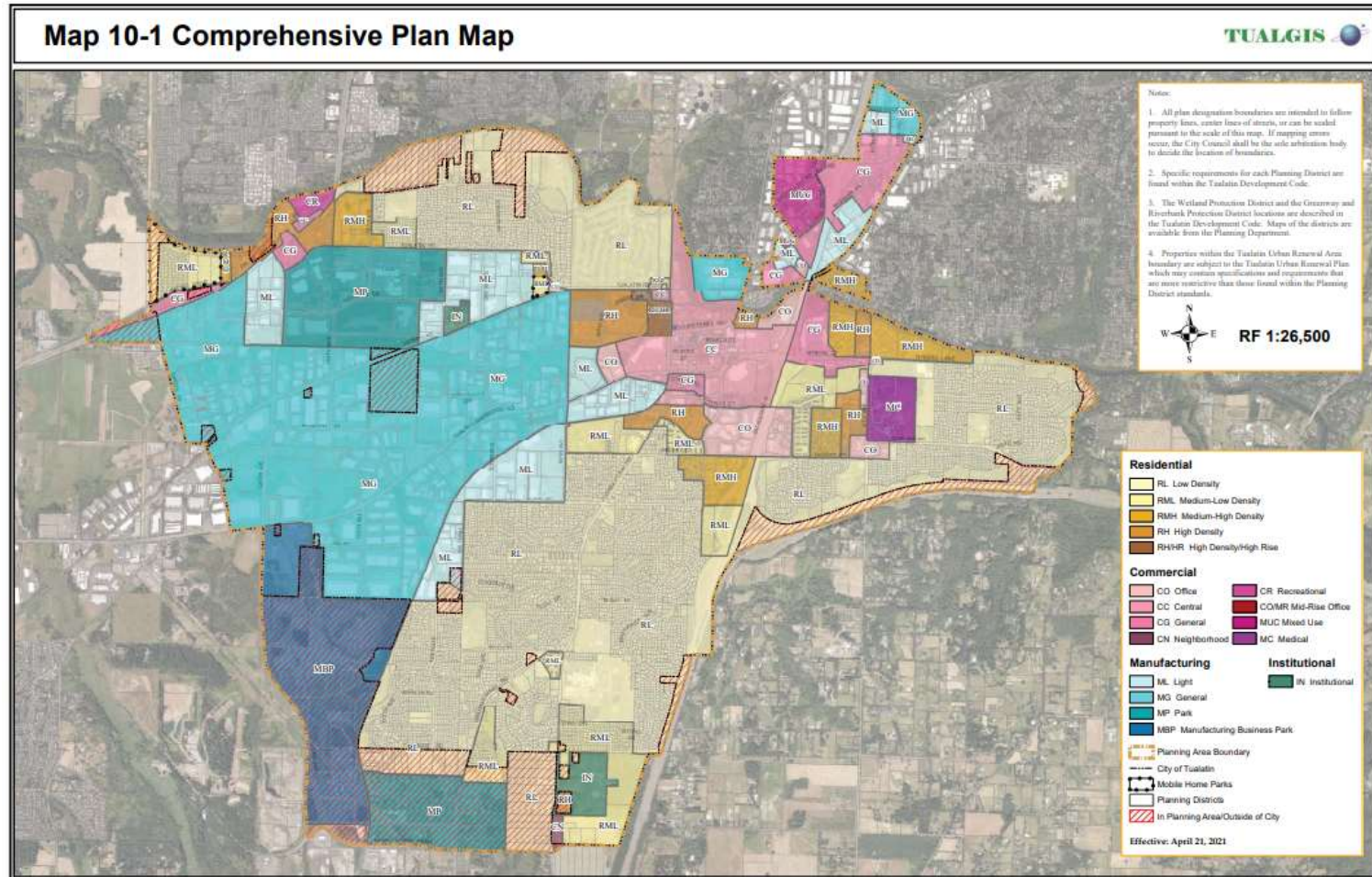
What supporting documents are in the Plan?

- Housing Needs Analysis
- Economic Opportunities Analysis
- Transportation System Plan
- Water Master Plan
- Sanitary Sewer Master Plan
- Stormwater Master Plan
- Parks Master Plan





Planning Series Recap - 201





Planning Series Recap - 301

How does a Development Code work?

- Implements the Comprehensive Plan – *“how” goals and policies happen*
- Includes zoning (where uses are allowed) and development standards (setbacks, height, utilities, and design)
- Applied to land use applications

Table 40-2
Housing Types in the RL Zone

HOUSING TYPE	STATUS
Single-Family Dwelling	P/L
Accessory Dwelling Unit	P
Duplex	P
Townhouse	P
Triplex	P
Quadplex	P



Planning Series Recap - 301

When does the Development Code apply?

- Exterior modifications to private property;
- Remodeling that changes the exterior appearance of a building;
- Any site alteration to the topography, appearance, or function of the site;
- New or modified uses explicitly requiring land use – Conditional Use Permit, Subdivision of Property





401: Development Review

What is the Development Code review process?

- State law (Oregon Revised Statutes) sets requirements for procedural process, steps, and timelines
- The required procedure type is roughly scaled or proportional to the project complexity (smaller projects = fewer procedures; larger projects = more procedures)
- Process allows the public to reasonably review applications and participate in the decision-making process





Overview of Procedure Types

What are the different Procedure Types?

- Described in Tualatin Development Code Chapter 32



Type I

- No public notice
- Clear & Objective
- No local appeal
- *Ex: Sign application*



Type II

- Public notice
- No or limited discretion
- Appeal to Council
- *Ex: Subdivision or medium size industrial building*



Type III

- Public notice
- Public hearing
- Some discretion
- Appeal to Council
- *Ex: Large industrial building or conditional use permit*



Type IV

- Public notice
- Public hearing
- Most discretion
- Appeal to LUBA
- *Ex: Annexation or map/text amendment*



Overview of Decision Types

What are the different Decision Types?

Clear & Objective

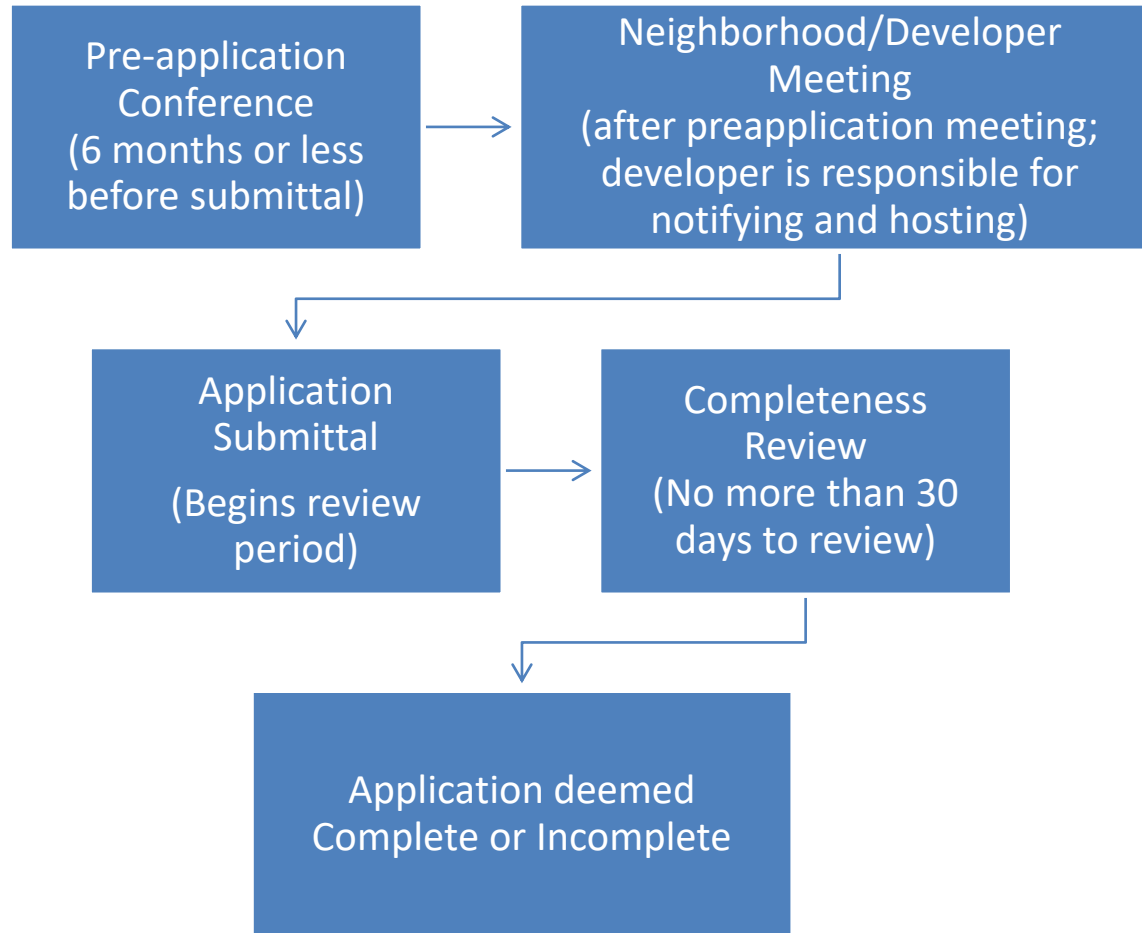
- Decided by staff
- Based on facts and logic
- Governed by approval criteria
- More certainty for developers
- Type I / II Procedures

Discretionary

- Decided by hearing body
- Based on judgment and reason
- Flexibility to apply conditions of approval (*in addition to those required by code*) to protect City's best interests
- Less certainty for developers
- Type III/IV Procedures



What Happens Before Application?





Preapplication Conference

- Intended to familiarize applicants with application procedure, code requirements / approval criteria, and to discuss project details with staff.

Architectural Review

Type II Land Use Decision – See Tualatin Development Code Chapter [32.220](#)

- Decided by City Staff (Administrative Review)
- Completeness Review: 30 Days
 - **NOTE:** [TDC 32.160](#). (2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.
- Staff issues Notice of Application after application is deemed complete:
 - 14 Day Comment Period
 - Those who comment gain standing for potential appeal
- Decision shared with applicant and property owner within 60 days of a complete application
 - Appeal Period: 14 Days
- Application Packet: <https://www.tualatinoregon.gov/planning/architectural-review-ar-instructions>
 - Architectural Review fees can be found in the [Fee Schedule](#)
- Examples of recent Architectural Review applications are found on the Projects Page: [https://www.tualatinoregon.gov/projects?term=node tid depth=All&field project status value=All&field project type tid=101&keys=AR21-0018 Walgraeve Industrial Park](https://www.tualatinoregon.gov/projects?term=node%20tid%20depth%3DAll&field_project_status%3Dvalue%3DAll&field_project_type%3Dtid%3D101&keys=AR21-0018%20Walgraeve%20Industrial%20Park) (more complex but involved floodplain and wetlands).

Criteria to address in the Architectural Review narrative submittal include:

Tualatin Development Code

[TDC 32: Procedures](#)

[TDC 33.020: Architectural Review](#)

[TDC 33.110: Tree Removal](#)

[TDC 39: Use Categories](#)

[TDC 61: General Manufacturing \(MG\) zone](#)

[TDC 63: Industrial Uses and Utilities and Manufacturing Zones—Environmental Regulations](#)

[TDC 70: Floodplain District \(FP\)](#)

[TDC 71: Wetlands Protection District](#)

[TDC 72: Natural Resource Protection Overlay District](#)

[TDC 73A: Site Design, 73B: Landscaping Standards, 73C: Parking Standards, and 73D: Waste and Recyclables Management Standards](#)

[TDC 74: Public Improvement Requirements](#)

[TDC 75: Access Management](#)



Neighborhood/Developer Mtg.

- Mandatory meeting that provides a forum for the applicant to discuss the proposal with surrounding property owners.

NEIGHBORHOOD / DEVELOPER MEETINGS

This meeting provides an opportunity for the developer (applicant) to discuss the development proposal with surrounding property owners, in order to identify topics of interest/consideration prior to the land use application submittal. A Neighborhood/Developer Meeting is required for all Type II, II, and IV-A applications

MEETING REQUIREMENTS

The full requirements are codified in the Tualatin Development Code (TDC) Chapter 32.120.

1. **Meeting Sequence.** The Neighborhood/Developer Meeting must be held after a pre-application meeting with City staff, but before submittal of a land use application.
2. **Meeting Time and Location.** The Neighborhood/Developer Meeting must be held at a location within the City of Tualatin. Weekday meetings are encouraged and shall begin no earlier than 6:00 pm.
3. **Notice Requirements.** The applicant must provide notice to neighboring property owners (within 1,000 feet), designated Citizen Involvement Organization (CIO) representatives, and the Tualatin Community Development Department. The City is able to provide the applicant with a complete Mailing Area List for a fee. Requests for Mailing Area Lists can be made by contacting planning@tualatin.gov

Notices must be sent first class, no less than 14 and no more than 28 calendar days before the meeting date and shall include the date, time, and location of the meeting, as well as a brief description of the development proposal and property location— Refer to the attached example.



Completeness (or Incompleteness)

- Receipt of application information required by code. A determination of completeness indicates that the application is ready for review on its merits.

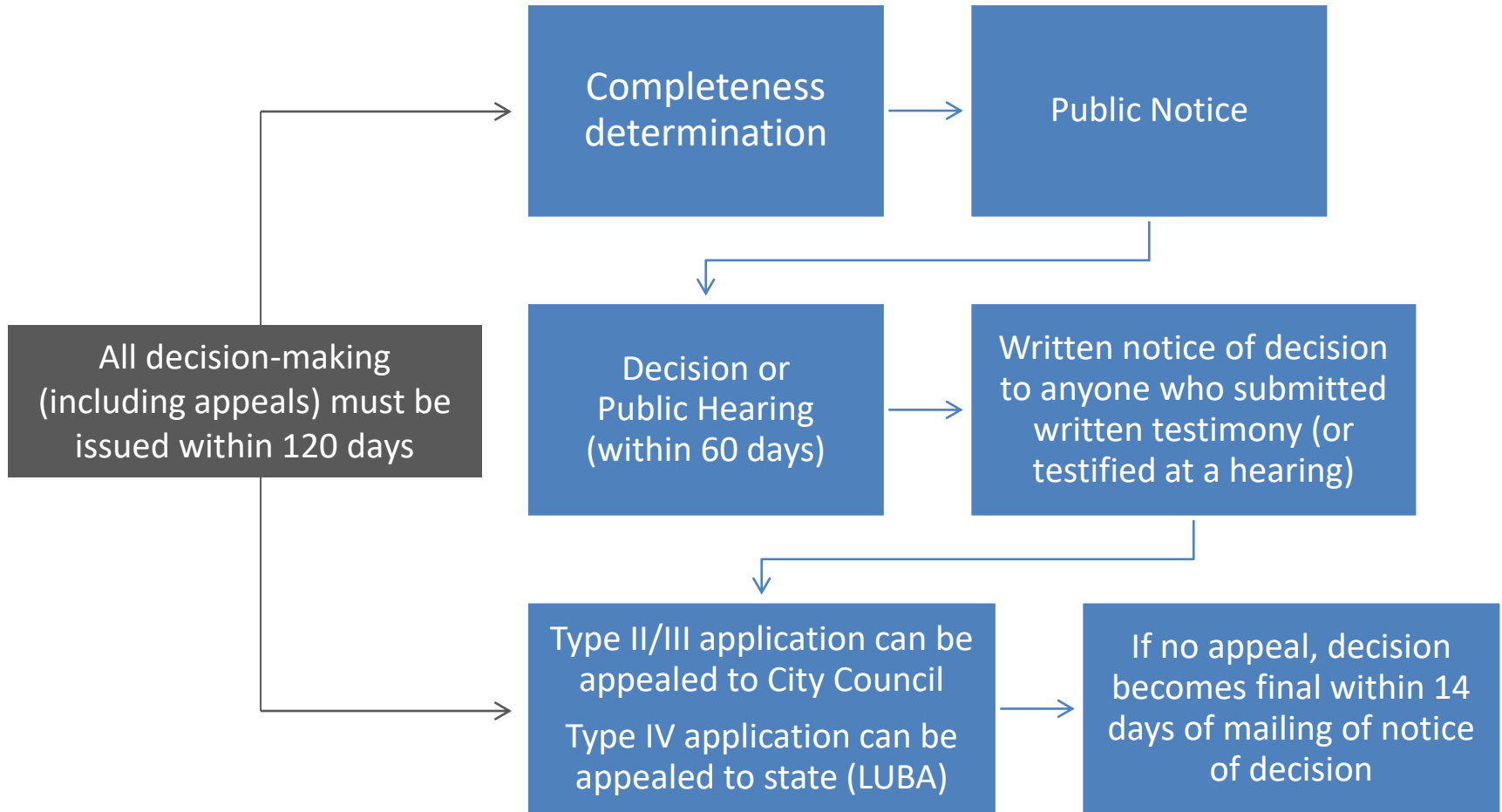
Thank you for submitting an Architectural Review (AR) application on July 9, 2024 for construction of the proposed building and associated improvements located at 19225 SW Teton Avenue (Tax ID: 2S123CB00401). The local file number assigned to your project is AR24-0004. Please be advised that this land use application has been **deemed incomplete** in accordance with the Tualatin Development Code (TDC) Subsection [32.160](#) and Oregon Revised Statutes (ORS) 227.178. The time period in which the City must take final action is suspended pending resolution of the items listed below.

Incomplete Items: The following items can be submitted by email or other electronic means.

1. [TDC 32.140\(1\)\(d\)](#) requires the application fee to be paid.
2. [TDC 32.140\(1\)\(a\)\(ii\)](#) Address of Lot – Please verify that the lot that is proposed for development is 19452 SW Teton Avenue and not what we have on file as 19225 SW Teton Avenue.
3. Narrative responses noted as being for TDC [73A.010](#) is actual from TDC [73A.500](#) Industrial Design Standards. Please correct the section heading in the narrative.
4. Narrative responses to TDC [32.120](#), [32.140](#) and [32.150](#)
5. Narrative responses to TDC [Chapter 63](#)
6. Narrative responses to TDC [Chapter 72](#)
7. TVF&R Service Provider Letter



Typical Application Review Timeline





Public Involvement

How does Tualatin satisfy State Goal 1 requirements for Citizen Involvement?

Architectural Review Board

- Decides Type III Architectural Review applications
- Seven members: City Council, Architect, Landscape Architect, Engineer, Lay Members (3 must reside in Tualatin)

Planning Commission

- Decides other Type III applications (CUP, IMP, VAR)
- Makes recommendations on growth and development to City Council (Type IV)
- Serves as commission for citizen involvement
- Seven members (5 must reside in Tualatin)



Public Notice

- City mails notice to property owners
 - *State law requires notification to properties within 100 feet 14 days before a decision is issued*
 - Tualatin requires notification to properties within 1,000 feet (plus residential subdivisions if part touches the 1,000-foot radius) and 14 days for Type II and 20 days for Type III/IV
 - In practice, land use decisions are issued or a public hearing is scheduled about 60 days after a completeness determination
- Additional notice elements:
 - City posts detailed information at www.tualatinoregon.gov/projects
 - City emails all CIOs notice at the same time as property owners
 - The applicant is given instructions for putting notification signs on the site and must submit an affidavit verifying placement



Public Comments

- In writing (*emailed or mailed*) in response to a notice received, though one does not need to receive a notice to comment.
- In person at a hearing, but only if the application includes a hearing (*most do not*).
- The burden is on the commenter to submit evidence.
- Staff role is to weigh evidence submitted by all parties and make a decision or a recommendation on the application.
- *Effective comments:*
 - Identify applicable criteria of the development code that apply to the proposal
 - Explain how the criteria is met; or not met, and why
 - Are specific
- *Comments should not:*
 - Ask questions of the applicant or city staff
 - Request that the applicant or city staff demonstrate that a project does or doesn't address something



Project Webpage

AR23-0014 - Horizon Community Church Expansion

Project ID: AR23-0014

Applicant Information:

AKS Engineering & Forestry, LLC - Glen Southerland

Reviewing Staff:

Madeleine Nelson, mnelson@tualatin.gov

Project Staff Contact:

Madeleine Nelson, mnelson@tualatin.gov

Project Type:

Land Use
Architectural Review (AR)

Project Status: Approved

Date Received:

Wednesday, November 22, 2023

Location:

23370 SW Boones Ferry Road
Tualatin, OR 97062

See map: [Google Maps](#)

Tax Map/Lot:

25135D000106

AKS Engineering & Forestry, LLC, on behalf of Horizon Community Church, requests approval to construct a new church sanctuary at the current facility located at 23370 SW Boones Ferry Road (Tax Lot: 25135D000106). The proposal includes a 19,300 sf sanctuary building, baseball field replacement, stormwater improvements, and associated landscaping. The proposed 800 seat sanctuary would replace the existing 660 seats for services currently held in the high school gymnasium. Services would no longer be held in the school facilities. The 29-acre site is zoned Institutional (IN) and has access to Boones Ferry Road and Norwood Road.



Files:

- AR23-0014 Decision (1 MB)
- Exhibit A1 - Application & Narrative (1 MB)
- Exhibit A2 - Preliminary Site & Architectural Plans (30 MB)
- Exhibit A3 - Supporting Documents (23 MB)
- Exhibit B - Public Notice (4 MB)
- Exhibit C - Service Provider Letters (3 MB)





Decisions

Decisions must be based on approval criteria and include:

- Conditions of Approval. Must be roughly proportional to the impact of the proposed development.
 - *Dolan v. City of Tigard*: Constitutional limits set by the Fifth Amendment's takings clause
- Staff Findings and Analysis. Assessment of how the proposal does or does not address applicable development code criteria based on the materials submitted by the applicant.
- Exhibits. Record of evidence used to evaluate compliance with application procedures and code criteria.
 - Noticing requirements
 - Public testimony
 - Special agency comments
 - Required submittal materials





401 Recap

- Development review process applies to site alterations on private property
- Pre-application conference and neighborhood developer meetings happen before an application is submitted
 - Developers get a lot of feedback on how to change their project to meet the code. This is reiterated through the completeness review
 - Submitted projects are filtered and vetted; projects that don't meet the code don't move forward
- Effective public comments provide understanding of applicable code criteria and supporting evidence
- Most projects have some opportunity for appeal... *However:*
 - Applications that demonstrates compliance with code criteria must be approved.
 - An appeal *does not* give the decision-maker discretion to disagree with the criteria or apply un-adopted criteria.
 - Denials must include detailed findings addressing why the proposal does not comply with code criteria. *May be subject to legal meditation.*



Future Discussion

Planning 501: Post-land use reviews and building construction

- Engineering
- Building
- Planning
- Occupancy



