



Land Use Basics
CIO Meeting
February 24, 2022



Tonight's Agenda

- Land Use Basics
 - Senate Bill 100 and Planning Goals
 - The Urban Growth Boundary (UGB)
 - UGB Role
 - Tualatin's Land Use System
 - What Happens During Land Use?
 - What Criteria Typically Apply?
 - How are Criteria Satisfied?
 - How are Traffic Impacts Assessed?
 - How are Impacts Mitigated?
 - Questions



Senate Bill 100 and Planning Goals

- Considered a landmark piece of legislation throughout the country, the bill established a statewide land use planning program in 1973.
- The goal was to ensure Oregon's natural beauty, lush forests, and fertile farmland didn't face pressure to urbanize with abandon.
- As a result of Senate Bill 100, in 1974, Oregon wrote several statewide planning goals (now 19 total), applicable to every city, that require:
 - Citizen involvement in the local planning process
 - Local land-use decisions be made in accordance with a comprehensive plan based on factual information
 - Protection of natural resources, farmlands, and forests
 - Diversification of employment lands
 - Wide array of housing types
 - Provision of efficient public facilities and services such as water, sewer, and roads
- <https://www.oregon.gov/lcd/op/pages/goals.aspx>



The Urban Growth Boundary (UGB)

- In 1978, voters in the Portland region created Metro to provide regional land use and transportation planning services.
- One of the first tasks Metro took on was establishing an Urban Growth Boundary (UGB) around the metro area.
- This boundary stretched from Forest Grove to Gresham and North Portland to Wilsonville.
- Since 1978, the UGB has been expanded seven times to increase urban land.

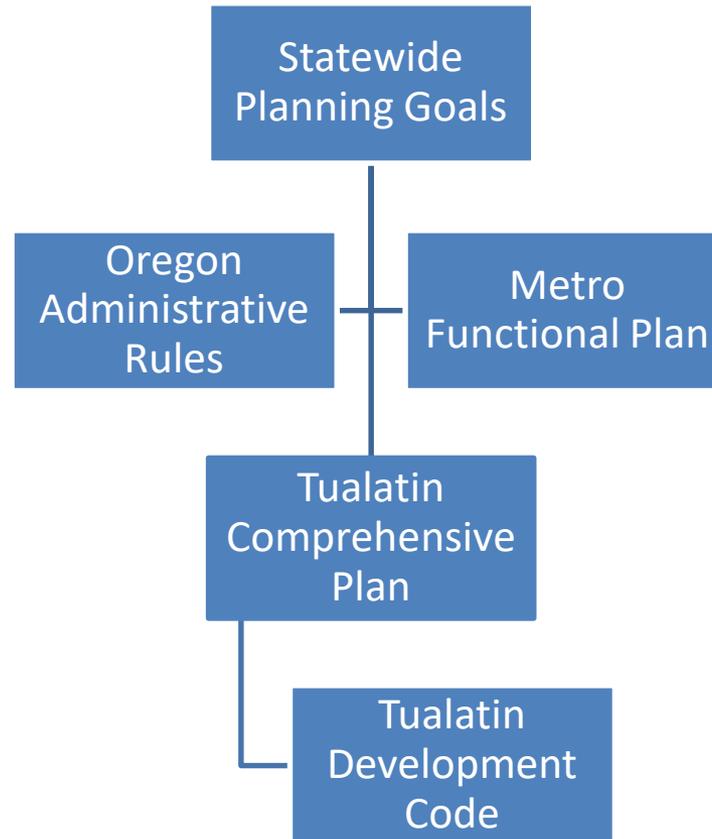


UGB Role

- The intent of the UGB is to promote the use of land within the boundary while protecting farmland and forests outside the boundary.
- Based on regulations set forth in state law, the UGB may only be expanded if the existing land inside the boundary cannot support employment and housing needs for the next 20 years and infrastructure can be extended to support the new expansion area.
- Even then, the expansion areas must be targeted towards land less suitable for farm and forest uses.



Tualatin's Land Use System





What Happens During Land Use?

- Before land use application submittal (Type II/III/IV):
 - Pre-application conference
 - Neighborhood Developer Meeting
- After application submittal:
 - 30 days to confirm application is “complete” and 120 days to make a final local decision from date “complete”
 - Public notice – mailed to property owners with 1,000 feet (or a subdivision with 1,000 feet) and emailed to CIOs; given 14 days to comment before decision made
 - Agency notice provided to applicable public entities



What Happens During Land Use?

- Pre Decision:
- Application materials and comments from public and agencies reviewed to confirm standards in Development Code applicable to type of development are met
 - Conditions of approval are case-specific, and must be “proportional” to amount of development proposed.
- Post Decision (Type II):
 - 10 day Appeal Period, after which decision becomes final
 - If appealed, heard by City Council (final local decision)
 - Appeals of City Council decision go to Oregon Land Use Board of Appeals (LUBA)



What Criteria Typically Apply?

Chapters 40-64 Zoning Standards (setbacks, height)

Chapter 73A Site Design Standards (outdoor area requirements, internal vehicle and pedestrian circulation)

Chapter 73B Landscaping Standards (minimum percent site landscaping, standards for type of landscaping)

Chapter 73C Parking Standards (# of spaces, landscaping)

Chapter 73D Waste and Recyclables (sign off from Republic Services, screening, minimum adequacy standards)

Chapters 74 and 75 (traffic study requirements, minimum access standards)

Note: City cannot impose requirements not supported by code.



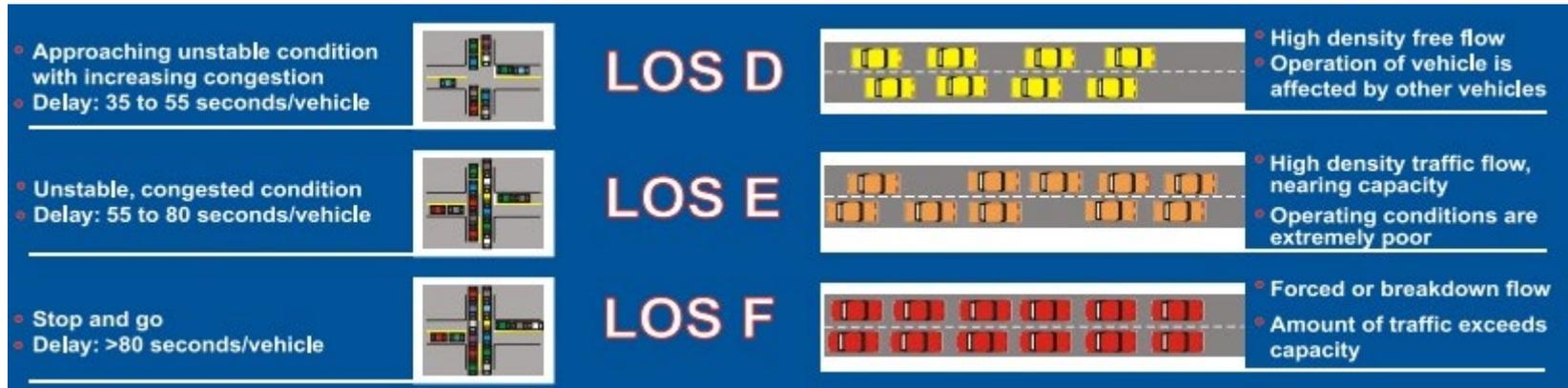
How are Criteria Satisfied?

- The burden of proof is on the land use applicant to show that each and every element of the approval criteria is satisfied *or* can be satisfied by meeting a condition of approval.
- Testifiers or commenters may submit evidence:
 - The criteria are being incorrectly interpreted
 - Incorrect approval criteria are being applied, or
 - Additional approval criteria should be applied.
- “Preponderance of the evidence” is the standard for burden of proof = applicant submits evidence that is more likely than not to be true.
 - Expertise and background of the party presenting evidence is relevant.
- The land use system is designed to require a denial decision to be supported by strong evidence criteria *simply cannot* be met, even with a condition added.



How are Traffic Impacts Assessed?

- Analysis of the existing situation, including the level of service on adjacent and impacted facilities.
- An analysis of any existing safety deficiencies.
- Proposed trip generation and distribution for the proposed development.
- Projected levels of service on adjacent and impacted facilities.
- Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D for signalized and E un-signalized intersections.





How are Impacts Mitigated?

- Noise
 - Nonexempt land uses use DEQ standards; roads are not a land use but may have their own process for use of noise barriers.
- Tree removal
 - Tree removal must be justified; protection required; mitigation not required.
- Employment uses
 - Different zones allow different uses; cities can and do limit certain uses.
- Livability
 - Implemented through code standards; not all livability is land use.
- Economic Development
 - Oregon land use system has trade offs: preservation of farm and forest areas; growth and predictable land use process within Urban Growth Boundary.
- Sewer
 - Tualatin is all within the Clean Water Services storm and sanitary district.
- Traffic
 - Based on Level of Service standard; if land use plus existing traffic does not exceed applicable standard the City cannot deny on that basis.

