ARCHITECTURAL REVIEW PROCESS
(ARB DECISION) SUMMARY

Welcome to the Community Development Department’s Citizen Summary of the Architectural Review (AR) process. This brochure is for AR applications decided by the Architectural Review Board. A separate brochure is for AR applications decided by the Community Development Director.

GENERAL INFORMATION

What is an Architectural Review Application?
An AR Application is required for all development in the City except for single-family dwellings in the Residential Low (RL) Density Planning District. It addresses issues such as architecture, landscaping, parking and on-site circulation.

What is the difference between the Architectural Features Decision and the Utility Facilities Decision?
The AR process includes one application that is addressed in two decisions which run concurrently: Architectural Features (architecture, landscaping, on-site circulation) and Utility Facilities (sewer, water, storm drain and street systems). This Citizen Summary addresses the Architectural Features decision. A different Citizen Summary explains the process for the Utility Facilities decision which is decided by the City Engineer.

Where can I read the City’s Code requirements for AR Applications?
The AR process is in the Tualatin Development Code (TDC) primarily at Sections 31.071 – 31.076. The development requirements are primarily at Sections 73.050 and 73.110 – 73.400, and Chapters 71 (Wetlands) and 72 (Greenways). Additional requirements such as height and setbacks are in the individual Planning District Chapters 41 – 62. The TDC is in the Library and online at www.ci.tualatin.or.us. At the homepage scroll down to Quick Links on the left, click City Codes, click Development Code, Chapters 31 and 73.

Who makes the decision on AR Applications?
The Architectural Review Board (ARB) is the Architectural Features decision maker when a multi-family residential project abuts the Residential Low (RL) Density Planning District and for large projects, i.e., when a multi-family residential project includes 100 or more units, when a commercial building is 50,000 square feet or more, and when an industrial building is 150,000 square feet or more. The Architectural Review Board must apply the requirements of the planning district the property is in, the provisions in Chapter 73, and then approve the
Architectural Features proposal, approve it with conditions or deny it. If a Variance is requested, it must first be decided by the City Council.

THE APPLICATION PROCESS

Is the applicant required to conduct a pre-application meeting with City staff?
Yes per TDC, 31.071. At the pre-application meeting the applicant shows the City staff the plans of the proposed development. They discuss the applicable City requirements and how the proposal meets the requirements. Typically, a lot of contact occurs before the meeting and there are a lot of follow-up discussions after the meeting to resolve issues identified at the meeting.

Is the applicant required to conduct a pre-application neighborhood meeting with the surrounding property owners?
Yes per TDC, 31.071. The applicant mails invitations to owners of properties and City approved Neighborhood Associations within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. At the meeting the applicant should explain the proposal and listen to the concerns. Although the concerns are not required to be mentioned, addressed or incorporated into the application, the approval process may be easier if they are.

How is an Architectural Review Application submitted?
After the Neighborhood Meeting the applicant submits the application and fee to the Community Development Department. The application must explain how it meets the applicable requirements, especially the Design requirements starting at TDC 73.110, Landscaping requirements starting at TDC 73.230 and Parking requirements starting at TDC 73.320.

What happens once the application is submitted?
A planner in the Community Development Department is assigned the application. When all the materials are included, the planner determines the application is complete and circulates copies to other City departments and to applicable regional and State agencies for their review and comment. A notice is also mailed to the owners of properties within 1,000 feet of the subject property and to the City approved Neighborhood Association whose boundary includes the site for their review and comment within a 14-day comment period. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. Parties with questions or written comments should contact the planner as soon as possible so the comments can be addressed in, and attached to, the staff report to the Architectural Review Board. Each comment must be specific to one or more of the TDC requirements so the planner and Architectural Review Board can know what the concern is and address it.
THE PUBLIC HEARING

Who gets notice of the Architectural Review Board public hearing?
At least 10 days before the ARB public hearing a hearing notice is mailed to the owners of properties within 1,000 feet of the subject property and to the City approved Neighborhood Association whose boundary includes the site. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases.

Does the Architectural Review Board get any information before the hearing?
Yes. The seven ARB members and applicant receive the staff report at least one week before the hearing so they can read the staff report, its recommendation and any written comments. The staff report is available to all parties one week prior to the hearing. The ARB public hearings are on a Wednesday at 7:00 p.m. at the City Council Chambers (18884 SW Martinazzi Avenue).

What happens at the Architectural Review Board public hearing?
At the ARB meeting the Chairperson opens the public hearing and the planner enters the staff report, the staff recommendation and any written comments into the hearing record and provides an oral summary of the report. Next, the applicant testifies followed by supporters and then opponents testify. The applicant may then rebut. The Chairperson and members ask questions of staff and the testifiers. Once all the information is in the record, the hearing is closed and the ARB deliberates to a decision which is in the form or an oral motion to approve, approve with conditions or deny the application.

Is there a deadline when the Architectural Review Board must make a decision?
Yes. State law requires the decision and any appeals to the City Council be completed within 120 days of the application being complete.

Can the Architectural Review Board’s decision be appealed?
Yes. An Order, the final written decision, is signed by the Architectural Review Board Chairperson one or two days after the hearing. Once the Order is signed, staff mails it (and the Utility Facilities decision) to the parties that entered written or oral information into the record. A party can appeal the decision to the City Council. A City Request For Review form must be received by the Community Development Department within the timeframe stated in the decision (14 days). Unless a written appeal is received within 14-days, the decision is final on the 15th day.

Can the City Council’s decision be appealed?
Yes. The City Council’s Resolution, the final written decision, can be appealed to the State Land Use Board of Appeals (LUBA). The “Notice of Intent to Appeal” must be received by LUBA within 21 days of the Council’s decision being final (the date the Resolution was passed).
**How do I contact the Architectural Review Board members prior to the public hearing?**

As the decision maker, the Architectural Review Board is a quasi-judicial body and must be impartial. Members must make their decision based only on information entered into the hearing record and the approval criteria. To ensure impartiality, they should not have “ex-parte contacts,” i.e., discuss the application outside the hearing with any party, except staff. This is to ensure all parties are aware of all the information each Member is relying on to make their decision and giving the parties an opportunity to respond.

If you have questions about the Architectural Features process, please contact the Community Development Department Office Coordinator at (503) 691-3026 and you will be directed to the appropriate planner.