



PLANNING COMMISSION / COMMISSION FOR CITIZEN INVOLVEMENT
SPECIAL WORK SESSION
Minutes of January 13, 2010

Members present: Chair Robert Martin, Vice Chair Michael Jones and Commissioners Charles Lytle, Christine Steel and Dean Wood

Staff present: John Sonnen, Planning Director

Members absent: Commissioners Laura Horsey and Lewis McCoy

CALL TO ORDER

Chair Martin called the work session to order in the Bolton Room of City Hall at 6:30 p.m.

WORK SESSION

Review and revise the Planning Commission rules.

Martin **moved** to start meeting night work sessions at 6:45 p.m. followed by the regular meeting at 7:30 p.m. Wood **seconded** the motion and it **passed** by unanimous vote.

The Commissioners asked if the staff was consistently distributing their responses to individual Commissioners' questions to all the Commissioners. Sonnen suggested the process could work better if all communication went through Teresa Zak. She could ensure that staff responses were distributed to all the Commissioners. He said sometimes when the staff was conversing with individual Commissioners about matters that did not relate to the Planning Commission the conversation strayed into matters related to the Commission. Martin asked staff to summarize those conversations and send the information to all Commissioners.

The Commissioners discussed the issue of whether to continue a hearing if the applicant introduced a new exhibit during the hearing. They recalled that had been at issue in the recent Suncrest development hearing. They had voted to continue that hearing because some were concerned the new map was new information. Sonnen explained an "exhibit" was any document submitted to the record. It could be new information or it might just illustrate what was already in the record. When the Suncrest applicant submitted an updated site plan during the hearing the staff had not had adequate opportunity to examine it to verify it only illustrated the recommended conditions of approval that were already part of the record. They wanted more time to verify that. That was important because the decision would be based on that map. Jones observed the Planning Commission could have justified their decision to continue the hearing on a need for more time to examine an exhibit to ensure it was not new

information. Sonnen advised another approach would have been to accept the delineation shown on the newly submitted map and transfer it to the original map, without accepting the underlying new map. He added that if the Commissioners felt they had digested new information at the same hearing in which it was presented they would not need to continue the hearing. Martin saw the issue as whether what had been introduced was something the public should have an opportunity to comment on. Lytle recalled the controversial Wilderness Park waterline project and observed that if the applicant had submitted a drawing of a line to graphically illustrate data already in the record that could have alerted the public that the waterline would be routed through the Park.

Sonnen advised that the code allowed any party to submit anything through the first hearing and any party could ask for a continuance of the first hearing for almost any reason. But after that the Commissioners could limit what could be submitted to written testimony or evidence on a specific topic. That was when the Planning Commissioners effectively “shut the door” and gave themselves time to consider the full record and render a decision. Commissioners and staff typically went over the packet of information about a case at the work session before the hearing. If the Commissioners could not absorb all of that information at the work session and felt they went into the hearing without a full understanding of it, they could continue the hearing in order to have more time to understand the material. However, that was less likely to be the case in the future because they had agreed to hold longer work sessions. The staff would have more time to offer support such as summarizing long email chains.

The Commissioners did not change the written procedure for deliberations, but Martin recognized the need give each individual Commissioner time to summarize his/her thinking, explain how he/she was leaning and why before a motion was made. He suggested they try that and see how it worked. He thought that would work better than open-ended discussion with all the mics open because the Commissioners could not see each other well enough to know who was getting ready to talk next. Jones and Lytle favored only allowing discussion pertaining to the motion after one was made in order to avoid long, unproductive meetings. Sonnen recalled Horsey had been concerned that if a motion were made too early in the process that would pre-empt consideration of other issues she wanted addressed. Wood summarized that the Commissioners were talking about starting off with a poll that would give each of them an opportunity to explain their position; then a motion would be presented and the discussion would revolve around that motion; and then the vote would be conducted.

The Commissioners then diagrammed a new seating chart based on considerations that included positioning officers in the middle and placing two Commissioners who had had trouble hearing where they could hear better. Sonnen agreed to talk to IT staff about a special headset for Commissioners with limited hearing.

Planning Commission goals/overall planning strategy and priorities.

Sonnen had presented a report to the City Council listing current and potential Planning Department work projects over the next several years. The Council asked the Planning

Commission to recommend priority projects because there were not sufficient staffing resources to accomplish all the projects on the list. The Council would consider the recommendation at their February 1st meeting. Sonnen advised that the Planning Department would have 2.7 FTEs in 2010-11. That included a recently hired planner with a master's degree in urban planning who specialized in historic preservation planning and a transportation planner who allotted 25% of his time to the department. He pointed out the report listed projects intended to improve Planning Department staff performance; current, ongoing projects; and potential projects. There were Metro and state mandated projects as well as discretionary projects. He asked the Commissioners to examine the list, suggest any projects that were not already on the list, and weigh potential projects against ongoing projects to determine if the City should continue working on the older ones. He advised that some historic projects advocated by the HRAB would take up most of the preservation planner's time in the coming year. Some Councilors wondered if other projects might be more pressing.

Sonnen suggested the City Council and Planning Commission identify what they wanted the Planning Department to work on in the next few years, before the state-mandated periodic review process required all their time. He reported the state currently anticipated they would require West Linn to begin periodic review in 2012. The process would take three years and likely consume 6.7 FTEs. He advised there were not enough staffing resources to accomplish all the listed projects. He highlighted the key decision to be made: Should the City start now and take a global approach of assessing and ensuring all the guiding documents (including Imagine West Linn, the Sustainability Plan, and the Comprehensive Plan) were consistent with each other and with regional and state requirements as a preliminary step to periodic review? Or, should it select particular projects to work on and accomplish them with periodic review requirements in mind? The state required periodic review to address a specific list of topics, including how the City would accommodate required density. To accomplish density planning the City would need to identify appropriate locations for increased density and revise the code to reflect that.

During the ensuring discussion, Sonnen agreed to Steel's suggestion to change a heading from 'Improve Planning Department performance' to "Improve and maintain Planning Department performance." The Commissioners agreed with Martin's suggestion to identify and prioritize discretionary projects that would address problem areas the Commissioners had been encountering during hearings. They would work on them during the year. The Commissioners recalled having problems with infill related issues, including flag lots; reconciling PUD code with compatibility; allowable disturbance of a Water Resource Area; the number of homes allowed on cul-de-sacs; and density. That was where they wanted to focus their efforts.

Sonnen described how other jurisdictions he was familiar with approached higher density. Some did not use density transfer. They identified and separated out protected resource areas and then decided and zoned for appropriate density on the remaining, buildable, area. He observed that the City would have to make changes to zoning districts under periodic review anyway to comply with the state's density requirement. Appropriate locations outside of resource areas and close to frequent transit could be where the City stacked density. He

addressed the concern that the community would not accept zoning for higher density. The first step in gaining public acceptance would be to adopt infill design guidelines and show the community the resulting developments were good designs that were compatible with existing development. Olympia, Washington had done that.

Sonnen confirmed the staff kept a list of code-related, "housekeeping" problems that could be resolved by code amendments. They had already presented one list of code "fixes" to the City Council and were working on the next set, which would address the number of homes allowed on a cul-de-sac. They planned to propose such fixes every six months. But problems with the PUD chapter required much more than just "tweaking" code.

The Commissioners wanted to address the relationship between resource projection and density transfer. Sonnen reported that Olympia, Washington did not use density transfer. Their approach was to determine scientifically what was really necessary to protect a resource and then zone the remaining area the density they believed it should be. They applied high densities to corridors where there was frequent mass transit service. Wood asked if there was enough available land to use new development and infill as vehicles to meet required density. Sonnen clarified the state required the City to achieve eight dwelling units per acre of net buildable land over the next 20 years. So that excluded un-buildable areas. Most jurisdictions planned to accomplish required density by identifying appropriate locations to stack density. That might mean identifying locations for multifamily residential. He reported the HRAB had received state funds to help them work on a project to create an historic industrial district around the Mill and falls. They envisioned future redevelopment of unused parts of the Mill. Once the area became a National Historic District there might be funds available to do that. New Orleans had used stimulus money to open up their old historic area for shops and public gathering spaces.

Sonnen agreed it made sense to deal with infill related issues first as a way to prepare for density increase. If the City Council agreed to prioritize that work the Planning Commission could then strategize their approach. He anticipated that in about a year the City could start the larger policy analysis effort to prepare for periodic review. He agreed to draft a Planning Commission recommendation to the Council and present it for discussion at the next Planning Commission meeting. The Commissioners wanted their rationale included in the recommendation: 1) They saw a need to change some code that often interfered with their ability to decide quasi-judicial matters and make good judgments; 2) They saw a need to address inconsistencies in the code that absorbed staffing resources; and 3) They anticipated the changes they would make would reduce the number of appeals. They advised they were recommending priority actions that would have the biggest positive influence on real development. Priority action was important because the issues they wanted to address would come up in the cases on the upcoming hearings schedule.

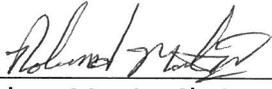
Martin stressed the "fixes" the staff was working on were very important, especially those related to Water Resource Areas. He asked them to tighten up the definition, "disturb" and clarify what was "minimum economic viability." Sonnen advised the staff categorized a "fix" as

something that took six months or less from start to finish and was not very controversial. Otherwise they would suggest the Planning Commission work on it. He recalled Olympia had very tight limits on the type and amount of disturbance that could be allowed on a constrained lot. He recalled the West Linn City Council had found that minimum economic use was a development footprint similar to what other owners of economically viable buildings in the City enjoyed. He advised another problem with development on local resource-constrained lots was that the variance process could increase the disturbance area to much greater than 5,000 square foot. The Commissioners wanted to know if the City was asking for too much protection in some instances. Sonnen suggested the amount of protection could be based on actual, scientific, analysis of what was necessary to protect a particular resource site and maintain its functions. He planned to address "disturbed area" as a "fix" first because he thought the City Council would be receptive to that. But if that became too controversial, the Planning Commission could work on a recommendation. The Commissioners planned to continue to discuss prioritizing projects at their next meeting.

ADJOURNMENT

There being no other business, Chair Martin adjourned the work session at ____ p.m.

APPROVED:



Robert Martin, Chair

4/17/2010

Date