

CITY OF WEST LINN
PLANNING COMMISSION MINUTES
WORK SESSION
Wednesday, February 4, 2009

Draft

Members present: Chair Michael Babbitt, Vice Chair Robert Martin and Commissioners Shawn Andreas, Valerie Baker, Michael Jones and Christine Steel.

Staff present: Bryan Brown, Planning Director; and Chris Kerr, Senior Planner

Members absent: Commissioner Dean Wood

CALL TO ORDER

Chair Michael Babbitt called the Planning Commission work session to order at 6:30 p.m. in the Bolton Room of City Hall, 22500 Salamo Road, West Linn, Oregon.

BUSINESS ITEMS

Goal Setting Session

The Commissioners had previously worked to categorize a list of potential code changes compiled by Commissioner Baker into those that could be addressed as a group and those that should be considered individually. Mr. Kerr confirmed the staff was getting ready to move those forward in a legislative package in the coming months unless the City Council told them some other project had to be given higher priority. Mr. Brown explained the staff had created a prioritized work plan so the City Council would be aware that any new project they added might delay an existing project. He reported that staffing resources were currently focused on annexations. He explained the version of priority projects the staff had sent the Planning Commission was a modified version of the City Council's priority project list. The Commissioners examined it.

Mr. Brown explained that projects to review and update Planning Commission rules and to determine the purpose of Planning Commission work sessions mirrored similar City Council projects to review their own rules and determine how to more effectively run their own meetings. He advised the Planning Commission they could decide to reconsider how they utilized their time in work sessions too, if they felt the need to. The list included a project to examine whether the land use appeal fee of \$2,500 was appropriate. He explained the City Council was about to consider lowering it again even though the current fee came close to paying for the actual cost of such an appeal. The issue was that any two Councilors could initiate an appeal of a Planning Commission decision. If an interested party convinced two of them to do that, that party paid no fee. He asked if the Planning Commission wanted to weigh in. He distributed a copy of the latest City Council resolution modifying the Master Fee Schedule. Chair Babbitt commented that it appeared that the City Council had made up their minds about the matter and it might be a waster of Planning Commission time to look at it.

Another project on the list was to consider the Planning Commission written policy regarding distribution of written testimony that was submitted for public hearings at the last minute. It was legal to submit such material up to and during the hearing. However it created a distribution problem. The current policy was that all written testimony received up to ten days prior to the

hearing would be included in and distributed with the hearing packet. But material submitted after that deadline would be distributed at the hearing. He recalled neighborhoods were concerned they did not get the material in a timely manner and sometimes the Planning Commission continued a hearing in order to have time to examine the newer material. He said the City Council was considering changing their own seven-day deadline. Chair Babbitt and other Commissioners suggested that both bodies should use the same time period. Mr. Kerr suggested this could be a CCI recommendation.

The Commissioners were concerned about the completeness of applications they heard. They sometimes found traffic or drainage analysis was not included. They suggested the staff offer a checklist showing items the applicant needed to provide before the application was deemed "complete." That would help the public understand the process better and show them what additional reports would be required as the process continued. They said the code should be changed to reflect that, if need be. The staff explained that an applicant had to have all required documents submitted within 30 days, when the staff conducted the completeness review. They explained an applicant might be required to provide a preliminary report to make the application complete, but the staff did not evaluate the submittals in that review, and a full hydroanalysis study or facilities design plan came later in the process because they were very costly and the City Engineering staff had the expertise to review them. Mr. Brown advised that Planning Department staff could not force outside agencies, such as TVF&R, or the county, to respond in time for a hearing, but they did notify them and ask them for comments. If they did not get the comments in time for the hearing, they specified in the conditions of approval that the development would be subject to approval by those outside agencies. The Commissioners recalled a common citizen complaint was there was to TVF&R letter in the hearing materials. They suggested simply describing the agency's requirements were for a certain width driveway, a hammerhead, or sprinklers. Vice Chair Martin recalled some agencies would not approve an application until it had local approval. He suggested creating a two-step process of preliminary approval of the development concept, followed later by a full review. Commissioner Jones said that type of process might better ensure that the details of developments were worked out satisfactorily by the Commissioners, not the staff. He recalled a development that had not worked out well for the community because the conditions of approval were too loose. Commissioner Andreas said he preferred to have an up-front checklist rather than require an applicant to go through two reviews. Mr. Brown related that the final drainage facility plan was approved just before a construction permit was issued, and subdivisions were approved in a multi-phase process. The Commissioners agreed this issue would require further discussion. They needed to know if the state would allow such a process and how it would impact the 120-day rule.

Mr. Brown said the previous and current City Council felt commercial development in the city could be better. He said Willamette Marketplace had not saved existing buildings, as expected, and the community would have asked for a different site plan if they had known that during the hearing. The Commissioners suggested a development review commission might help make the city's commercial areas more pleasing. Such a commission would be composed of design and engineering professionals who could envision what was proposed and suggest better alternatives. Mr. Brown reported the City Council had directed the staff to suggest how to revise Chapter 55 to require design review that would improve the quality of commercial development. They were

researching what other cities were doing. Commissioner Baker recalled the Commissioners wanted to address the issue that the code did not support some aspirations in neighborhood plans.

The Commissioners commented on a lack of clear guidance from the City Council regarding what the Planning Commission should be working on. Mr. Brown clarified that the Planning Department was obligated to allocate staffing resources to the projects they were directed to work on by the City Manager, who was directed by the City Council. He said he had given the Commissioners a copy of the work plan so they would know what the City Council wanted to do, but they could tell the City Council what they wanted their priority projects to be if they chose to. Chair Babbitt suggested the Planning Commission focus on the issues of staff reports and materials and Chapter 55 changes. Other Commissioners wanted to add a project to review commercial and residential zoning and redevelopment. Chair Babbitt observed that the city had enough aspirational documents and goals already that could guide the process. The Commissioners observed they had an unusually quiet period of time to work on a few projects they could actually complete.

Mr. Brown reported that based on potential applications the staff was aware might be submitted this year they expected the Planning Commission would have ten quasi-judicial cases to review during the rest of 2009. Chair Babbitt asked what the staff could be ready to present to the Planning Commission soonest, and what the Commissioners could do to help speed up the process. Mr. Brown said they could help the staff by recommending a scope for the Comprehensive Plan update to the City Council. What should the scope be now, and what should the scope be in 2011, when the state mandated a formal periodic review procedure (and might offer funds to help the city with the project)?

Vice Chair Martin wanted to examine the Comprehensive Plan and then ensure that the CDC was consistent with the Plan. He recalled the Commissioners had been commenting on things they thought needed to be “fixed” at the end of every meeting. Mr. Brown explained staffing resources were being consumed by other work projects that had nothing to do with Planning Commission work. The Commissioners confirmed to Chair Babbitt that they were willing to devote time to examining the code and drafting regulatory changes themselves. Commissioner Baker stressed the need to maintain a tracking document so the Commissioners knew which provisions they planned to examine; what provisions they had examined; what they decided to do or not do with them; and why. She also asked for a method of compiling suggestions from Planning Commission meetings and collecting suggestions from other parties. She did not want to have to rely on planners’ recollections as the Commissioners examined each section of code.

Mr. Kerr reported the staff was considering doing a “sustainability audit” of the code and incorporating sustainability into the revisions. The Commissioners suggested the Sustainability Advisory Board could do that and then let the staff refine their draft. Chair Babbitt recalled that the Mayor had told him her priority for the Planning Commission was to work on the CDC, but other Councilors felt the Comprehensive Plan needed to be updated first so it would guide the CDC. He advised that the Planning Commission and the staff had revised the Comprehensive Plan years ago but the Code still did not reflect that. He suggested the Commissioners go through the Comprehensive Plan, chapter by chapter, and make related, implementing changes to the code at the same time. They should consider neighborhood plans and sustainability during

that process. Mr. Brown suggested it might speed up the process to engage a consultant to help the Commissioners do that and to refine the final draft. Chair Babbitt did not favor using a consultant because of the cost, the extra time it would take to select one, and because he did not think consultants had done a good job on some neighborhood plans. He recalled the Commissioners had all agreed they would work on the code. Commissioner Baker suggested the Planning Commission “beta test” the idea of doing it themselves by working on a few chapters first and sending the draft to the staff to refine. If that process worked, the Commissioners could just keep going. Vice Chair Martin wanted to focus on the “low-hanging fruit.” For example, he recalled the Commissioners had come across a variance provision in Chapter 32 that some people said had been left in by mistake. Another question to be cleared up related to whether neighborhoods could prohibit flag lots. Mr. Brown advised the Commissioners would have to provide an opportunity for public input in the process of formulating policy changes. Chair Babbitt asked the Commissioners to come to the next Planning Commission meeting prepared to offer ideas on how to incorporate the city’s visioning documents (Imagine West Linn, the Sustainability Plan, and neighborhood plans) into Chapter 1 of the Comprehensive Plan.

The Commissioners considered how to involve the public in the process. They suggested their drafts be published on the city website so the public would be aware of exactly which provisions they were considering changing. They indicated the project would not be periodic review (which would require a separate, citizens’ committee per state law). . They stressed the website should tell readers the drafts were subject to change and would explain the process was driven by the city’s existing visioning documents. They asked the staff to notify all neighborhood presidents. They considered scheduling one or two public input meetings during the process.

The staff confirmed that they would email a copy of the goals and aspirations memorandum that the staff had refined to each Commissioner and put it on the website with Commissioners’ comments highlighted in red. Mr. Brown clarified that the Parks & Recreation director was to head a massive planning effort that would be considered by the Planning Commission, but did not involve the Planning Department

Chair Babbitt asked the staff to email the Commissioners copies of the Comprehensive Plan and CDC, keep the Commissioners informed, and alert them before the next meeting if they experienced any delay. He stressed that all the Commissioners had agreed they wanted to get as much done as they could.

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at approximately 8:30 p.m.

APPROVED:

Michael Babbitt, Chair

Date