



CITY OF
West Linn

PLANNING COMMISSION WORK SESSION

Minutes of December 15, 2010

Planning Commission Members present: Chair Robert Martin and Commissioners Michael Babbitt, Laura Horsey, and Christine Steel.

Staff present: John Sonnen, Planning Director

Others present: Sandra Mace Millington

Chair Martin called the work session to order in the Willamette Room of City Hall at 6:52 p.m.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION.

Commissioner Steel advised that the City Council had reviewed the proposed strategy for the PUD/infill project and was supportive.

Commissioner Babbitt asked about the status of the Solar Highway project. Mr. Sonnen said the last he heard it was on hold. He said that he would set up a briefing on the topic.

ITEMS OF INTEREST FROM STAFF.

Mr. Sonnen passed out a preliminary docket of potential long range planning projects for 2011. He said he would ask the Planning Commission for their project ideas and priorities on January 5, 2011. The draft will be revised to reflect their comments and presented to the City Council on January 18, 2011.

Mr. Sonnen advised that there was a problem with the noticing for the Planning Commission hearing regarding code amendments pertaining to temporary signs and pre-application requirements. Consequently, a public hearing will be needed on those topics on January 5, 2011.

He also advised that the City Council was expected to consider the resolution to form a Water Resource Area task force on January 24, 2011. In the mean time, staff was conducting research regarding allowance for hardships and other issues that had been raised. Chair Martin suggested that staff review to Metro guidelines for Water Resource Areas.

WORKSESSION

Debriefing on recent Planning Commission cases.

Commissioner Horsey presented the Commission with a table entitled "Debrief of Recent Cases," dated December 1, 2010, which summarized several issues that came up during recent hearings.

The topics and outcomes of related discussions are as follows:

1. Rules of thumb. Commissioner Horsey said that it was her understanding that staff applied a rule of thumb that Class I Design Review, rather than Class II Design Review, is needed when a proposed building addition for a school has a square footage of less than 5% of the existing building square footage. She added, that perhaps an allowance could be made in the code to provide for small additions under Design Review I based on something other than a percent of the existing structure, as that method could yield a large addition on a large structure. Mr. Sonnen said he would research the issue and ask that legal counsel address the associated process implications at the next meeting.

The Planning Commission discussed the need for exercising reasonable judgment when administering the code. The Planning Commission and Planning Director generally agreed that staff would apply the code rather than any remaining legacy rules of thumb. If staff has concerns with reasonableness of a code provision, they will seek a code amendment. Mr. Sonnen agreed to a Planning Commission request that the Commission be advised of any code interpretations that have a bearing on cases that come before them. It was suggested that if there is ambiguity in the code that the code interpretation and rationale be described in the staff report.

2. Definition of substantial construction and phased development. Commission members expressed concern that allowing projects to complete substantial construction as a means of maintaining their land use approval could result in partially built projects lingering for several years.

Commissioner Babbitt asked if required traffic signals or other infrastructure are on hold following completion of substantial construction, what happens to the next developer who would rely on same improvements. As a way to reduce the uncertainty, he suggested that there be a master plan for all phased projects, including the components and timeline and for each phase, and perhaps maximum project duration. He suggested that perhaps key project components should be bonded to ensure they are completed.

The Planning Commission agreed that the definition of substantial construction should be reevaluated. Mr. Sonnen noted that the topic is on the preliminary list of code amendments for 2011. Chair Martin suggested that developers be involved in the code amendment process so the Commission can benefit from their perspective.

3. Evolution of the reference plan. The Planning Commission discussed the merits of referring to a specific site plan or series of plans in Planning Commission decisions. Commissioner Steel suggested that flexibility might be needed when construction plans are prepared and refined. Mr. Sonnen said it was helpful to have the approved plans clearly identified so there is no confusion later. The approved plans are the reference against which subsequent construction plans are evaluated. Staff has authority to allow construction drawings to deviate up to 10% from the approved plans. Any changes beyond that required Planning Commission approval.
4. Time in pre-meeting worksession for study. The Planning Commission discussed the issue of written materials arriving just before hearings. The Commission agreed that staff updates and delivery of new materials regarding cases coming up that night would be first on the work session agenda. The Planning Commission could then decide if they needed to reserve time at the end of the work session to review new materials prior to the hearing.
5. May vs. shall in the extension approvals. The Commission discussed the regulations that indicate that the approval authority "may" approve requested extensions. They noted that the case analysis implies that approval of requested extensions shall be granted if the project satisfies specific criteria. They questioned the intent of the regulations. Mr. Sonnen said that the issue had been raised with legal counsel and they suggested that the City Council provide guidance. Mr. Sonnen said that in a recent appeal of the Planning Commission's extension of approval for the Tannler office complex, the Council acted as though the code said shall.
6. Suggesting changes to submitted plans. Commissioner Horsey said that if a project does not appear to meet the code she explores the possibilities for bringing it into compliance. Chair Martin noted that when the code calls for applicant to minimize impacts, it is appropriate to ask the applicant about other possibility that might achieve as lesser impact and when a variance is requested to explore what can be done absent a variance. The Commission noted the need to tie any proposed change to the code or comprehensive plan. The Commissioners discussed the situation where a proposal meets the minimum requirements of the code but is seemingly inconsistent with the comprehensive plan or neighborhood plan. Mr. Sonnen said he would ask the City Attorney to speak to that issue at a future meeting.
7. Inadequate information in application. The Commission discussed the situation where the materials the applicant submitted are not adequate to satisfy the code. They agreed that projects can be conditioned to provide straightforward information that would not require staff to exercise discretion. However, if the matter would require staff judgment, the Planning Commission could seek a continuance to obtain the missing information or, failing that, deny the project. The Commission members indicated that

they would strive to use conditions to tie things down as much as possible so there was no confusion during project implementation.

8. Scrutinize the code and staff reports. Commissioner Horsey presented the Commission member with highlighters and urged members to scrutinize the code and staff reports.
9. Commissioner notes. Commissioner Steel asked if Planning Commission members need to submit their notes for the record. Mr. Sonnen said he would ask the City Attorney to answer that question.
10. Scheduling cases. Commissioner Steel asked that two significant cases not be scheduled on the same night and that cases people are waiting for be heard first.
11. Future debriefings. The Commission discussed scheduling future case debriefing sessions. It was generally agreed to schedule them quarterly and perhaps on a time available basis.

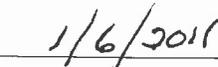
ADJOURNMENT

Chair Martin adjourned the work session at 9:28 p.m.

APPROVED:



Robert Martin, Chair



Date