



CITY OF
West Linn

PLANNING COMMISSION
WORK SESSION
Minutes of October 5, 2011

Members present: Chair Robert Martin, Gail Holmes, Holly Miller and Christine Steel
Members absent: Vice Chair Michael Babbitt, Laura Horsey and Dean Wood

Staff present: John Sonnen, Planning Director; and Chris Kerr, Senior Planner

CALL TO ORDER

Chair Martin called the meeting to order in the Council Chambers of City Hall at 6:45 p.m.

PUBLIC COMMENTS (None)

WORK SESSIONS

Commission for Citizen Involvement - improving public outreach

Chair Martin asked the Commissioners if they wanted the CCI to make a recommendation to the Council or just describe the problem to the Council and let it decide what to do. The consensus was to brainstorm possible solutions. Commissioner Steel said Vice Chair Babbitt had "hit the nail on the head" at the previous work session when he said something to the effect that "this has to start from the top down." She pointed out that even though the Commissioners had agreed to not televise work sessions at least two of them had been televised on Channel 30. That was a relatively small thing, but if people lost trust in the small things they would not trust the large things either. Commissioner Holmes agreed that would make people question everything. Director Sonnen explained that if sessions had been televised it had been contrary to his specific instructions to IT to just post the audio. He related that Mr. Kerr was about to fill in as Communications Director and he would follow up. Chair Martin commended Sonnen for the job he did. He suggested there might be a need for citywide procedural changes to ensure things did not fall through the cracks.

Chair Martin recalled public testimony that people felt they were not being heard and felt they had no opportunity to influence things. Decisions were being made without their input and they were being "managed" in order to to give the process some credibility. That was what the Commissioners had promised to address. He suggested the Commissioners talk about how the City chose which projects to work on. He noted it was sometimes because the state mandated it. If citizens were apathetic or focusing their energy on other things was the staff to wait for citizens to initiate a project or go forward and get the job done? He opined that City employees were not pushing their own agendas but just trying to do their jobs. He wanted to hear the staff's point of view. Director Sonnen talked about staff-initiated projects. He advised

that if the Council agreed to the proposed docketing process the staff would no longer initiate projects. Only the Council would be authorized to prioritize and initiate projects. The docketing process was a competitive, day-lighted process that set priorities and direction. He talked about involving citizens. He stressed the importance of thinking about how to do that at the beginning of a process. The Council had approved legislative procedures that called for an initial project scoping that included identifying the stakeholders and considering what kind of public outreach would most effectively reach them. He said the Planning Department was applying lessons learned. Planning staff had consulted the Commissioners about the approaches to the historic code update process and the Highway 43 project. He suggested the CCI might be the appropriate body to vet how other departments proposed to involve people in their planning processes. He talked about empowering citizens. It was staff's responsibility to try to identify people's concerns and issues; have them addressed; and try to find alternative ways to deal with the things under consideration. He recalled two ways jurisdictions he was familiar with dealt with conflict. One way was to have a process that helped each faction understand the rationale behind others' positions/issues so that even if they did not agree they might grudgingly go along with the proposal. The other way did not involve finding consensus. If there were good ideas with a solid rationale behind them the elected would hear that and decide on the merits rather than try to forge a compromise that might not be the best solution. Chair Martin indicated he thought either of those approaches was valid. He agreed the first step should be to determine support for and legitimacy of a project (perhaps via a docketing system) so the City knew it was focusing its efforts on the right projects. Then there should be a requirement that the City aggressively identify and reach out to the stakeholders and try to involve them. That should happen throughout the City, not just in the Planning Department. Mr. Kerr advised public involvement should be front-loaded, starting with the requests for proposals. Typically it was the consultant who proposed how to involve people in the process.

Chair Martin recalled citizens had suggested having a published plan that let people know when they could offer input. He suggested fashioning a project planning template for City departments to use instead of just "winging it." The template should call for identifying stakeholders and either reaching stakeholder consensus or presenting the alternate views. The staff suggested running the idea past the department heads and asking for their input. It might need to be a general template that could be tailored to each department's specific needs. Different departments might have different legal requirements to conform to. Perhaps there should be a project size threshold. Commissioner Miller questioned whether it should be applied citywide. Some departments might not have a problem. Commissioner Steel agreed the template should not be too specific. She stressed the importance of carefully communicating with the public. Someone at her table at the Highway 43 meeting thought the meeting was about Wal-Mart and not about the early phase of visioning. She had heard a lot of "government-speak" at community meetings that people did not really understand. It needed to be translated to something people understood. Commissioner Holmes recalled she had let people around her at the Highway 43 meeting know the process was in the developmental stage. She stressed that the City needed to be proactive and contact affected property owners directly. It should not rely on a website; Facebook or email. The trails plan process included holding meetings throughout the City, but people did not know or care about them. Then the

process exploded when people found out they were directly impacted and got upset. Steel recalled those were the people the Planning Commission heard from at the hearing. It was a conceptual plan, but some misunderstood and thought a 15-foot wide primary trail was actually going to go along the river bank. She did not think that would have happened in the end. She noted that general trail users had not come out in droves. In fact Chair Martin could only recall hearing from two people who were in favor of the proposed plan. Sonnen advised mass mailings to individual property members cost thousands of dollars. Participant evaluation sheets from the September 29 workshop revealed most of them learned of the meeting by reading an insert in the water bill and the second more frequent way was from emails. That was how they wanted to be alerted about future meetings. Only two said they had learned about it from their neighborhood association.

Chair Martin suggested the CCI ask for input from each department head. It should tell them it would like to see every department have a way to qualify their projects; to prioritize them; to identify the stakeholders; and to involve those stakeholders. Then the CCI could evaluate that information. Sonnen recalled that having some kind of body review public outreach strategy for any significant effort had worked well in other jurisdictions. It prevented mistakes from being repeated. The Commissioners wanted to be certain they would be staying within the CCI authority and charge. Kerr advised that Statewide Planning Goal 1 specified that citizen involvement commissions were to address citizen involvement in land use matters. Those would be matters related to the Comprehensive Plan and its supporting documents, including supporting plans (like parks plans) and land use related code changes. Forest Grove had done that and lost when developers appealed. He advised the City could not subject applicants such as the Lake Oswego/Tigard Water Partnership to greater citizen contact requirements than any other applicant had to meet. Holmes suggested just communicating with department heads and asking for their ideas. The staff agreed in this situation the department heads were the stakeholders. They advised that even though the scope of the CCI was limited to land use related matters, good ideas would be applicable to other City products. Some might argue this was another hoop to jump through, but they needed to understand it was a way of avoiding problems.

Chair Martin recalled the trails planning effort used a technical working group comprised of representatives from all different viewpoints. Issues raised in testimony had come up in the group's meetings, but had not gone anywhere. People spoke there, but were not heard. Their concerns were not responded to. He believed those people needed to be empowered in some way. Sonnen observed that controversial projects left both winners and losers. Losers would not be happy, but if all their comments were documented and addressed they would know they had been heard and they would know the rationale for the decision. That approach required more staff effort, but it was part of transparency and it had proven successful in other jurisdictions.

Commissioner Steel suggested giving the Council a summary of the major points made in the hearings; then recommending the four-step process. Chair Martin agreed and clarified that the

recommendation would be limited to matters related to the Comprehensive Plan and any supporting plans.

Commissioner Holmes recalled testimony raised the issue of fire safety. It could not be ignored because it was a very serious problem. Sonnen recalled the Commission had listed that as a matter to be researched. Staff had done that and been ready to present it to the Commission but the Commission had sent the Plan back to the Parks Board. The staff had documented comments from the Fire Marshal, detailed responses from the Police, and they had a biologist go out and walk the Tualatin and assess the value of the habitat there. Chair Martin observed that should have been done before the plan was heard by the Commission.

Chair Martin suggested that if a stakeholder group presented its recommendation at a hearing the Commission would consider it a powerful voice to be considered. The staff advocated that each work program should ensure the Planning Commission was in the loop and heard directly from the work group as well as the staff recommendation. A structure was needed for that. The expectation needed to be there from the beginning of the process. Every department should have an outline of basic "apple pie" things to be considered in every project. They should have to involve the stakeholders and forward all minority opinions. Steel opined that a few opponents should not have the power to stop a project that would benefit a great many people, but they should know their position was heard and considered.

Commissioner Miller explained she was not comfortable with mandating a process for every department. The Commissioners should relate what they heard and what they thought would work. She was concerned that for the time being the entire trails plan had been derailed. That was likely because of three or four trails that likely created uproar due to their impact on private property. Those property owners said they had not been heard. But not only had they been heard, they had stopped something of greater value. She believed the Parks and Recreation department should have presented and acknowledged what it heard from those stakeholders in the meetings and then told the Planning Commission to expect to hear it again during the hearing. She agreed that stakeholders had a right to voice their opinions, but one should not have to have citywide consensus on a trails plan based on those smaller stakeholder meetings. Those opinions needed to be expressed to the Planning Commission or to Council. Then it was up to the Planning Commission or Council to make the ultimate decision. Everyone had the right to be heard, but she did not think that just because someone wanted a trails plan that meant they supported those four trails. If she was not serving on the Planning Commission and was not a stakeholder she was not sure she would know there was a trails plan. A few people were wielding a lot of power over the process. She had previously believed the system was broken because the Planning Commission heard from so many people. But maybe it was not broken; it just needed to be fleshed out more. She believed Parks and Recreation would not bring a plan forward they thought would just "tick everybody off." They should have explained at the hearing which ones they knew would be ticked off and that they had met with them to hear their opinions. She asked "Was the whole plan bad, or just pockets of the plan?"

Chair Martin discussed the issue of whether people who disagreed with it should be able to stop a project. The solution was to mandate that the process utilize a group of stakeholders who represented all the different points of view and to expect that those who disagreed with the plan would testify against it if there was no consensus. They would have a great deal of credibility because they had participated in the process. Then, no matter whether the person in charge tried to just forge ahead or worked hard to address the problem and get opponents' support the opponents would influence the process at the Planning Commission and Council level. That was the way it should work. But the trails plan was not put together by the technical work group. It had met twice. The City and consultants had fashioned the plan. Work group members' opinions had not influenced the plan at all. That would have mattered as much as the opinions of affected property owners. Commissioner Steel suggested the stakeholder group should be made up of "those in the know and in the care." That included representatives of the public at large, not just those directly affected. Chair Martin agreed the stakeholder group should represent every point of view, not just opponents' views. People who wanted trails should be represented. All viewpoints should be presented when the plan was presented. Commissioner Miller believed there were many more people who wanted trails than the two who had been at the hearing. Chair Martin agreed. He participated in organized monthly trail walks so he knew people in the community who supported the trails plan. They should be represented in the stakeholder group. Miller advised it was awkward to be the minority voice at a contentious neighborhood meeting. She stressed it was the Planning Commission's responsibility to take a balanced look. Chair Martin recalled hearing attendance had been very lopsided. That was likely because the stakeholders had not been identified to begin with and engaged with the proponents early on. Maybe more proponents would have been at the hearing. He said it was up to people to speak up. The Commissioners could not just assume what their opinion was. He did not want to give anyone the right to claim to be the silent majority. Sonnen agreed that opponents had been more motivated to attend the hearing. The applicant could have done more to reach affected people. But he asked the Commissioners to look ahead to the Highway 43 project. He was going to distribute the September 29th meeting results. Connections seemed to be a high-priority topic, primarily along the right-of-way. People wanted a connection between Willamette and Bolton. They wanted to shoehorn in a pedestrian bike trail in that area. People at the meeting seemed to support the notion of a river trail esplanade. He encouraged the Commissioners to think about what could be done at the start of each process to identify and reach people who would be affected.

Chair Martin indicated he believed the stakeholders' group concept would work as long as the process could not be hijacked by people with veto power or the project manager. When the plan was presented the stakeholders group would offer a second opinion to the Planning Commission. Then the Commission would have the benefit of hearing both sides of the issue. That was a fair process. Even if consensus could not be reached dissenters could present their opinion of the plan. Holmes suggested there be both a majority and minority report so people understood what the pros and cons were. Sonnen added that when there was still disagreement at the end of a contentious project with a deadline the staff reported the points that people all understood, but still disagreed on, when it was time to stop. They presented all

sides in the staff report. The Planning Commission could see where people concurred and where they did not before it made the decision. Miller indicated that seemed like a reasonable approach. People would be heard and acknowledged. Holmes recalled people had raised the issue that it was not feasible to put a trail along the river. Sonnen said that was an "easy fix." It was a matter of due diligence rather than a difference of opinion. The public process helped test plans against reality. Steel raised the issue of consultant management. Consultants should be managed in a way that ensured stakeholder feedback was incorporated into the plan and that the contract was not run out before the project was complete. That could wreak havoc with a project presentation as well.

Sonnen and Kerr agreed to discuss the Commissioners' strategy to get input from potentially affected department directors with the City Manager and report back. Chair Martin observed the Commissioners were all on board with Sonnen's suggestion that the CCI act as a planning process review body. The process should identify and involve stakeholders. The department head or the consultant was to present the process to the CCI. That should be incorporated into consultants' contracts.

Debriefing of recent cases (time permitting)

This discussion was postponed to the next meeting. The Commissioners were to let staff know which cases they wanted to discuss.

ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT (None)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

Staff was compiling and would distribute the results of the Highway 43 task force meeting. They assured Commissioner Holmes that the issue of the mapped plan along the river would be addressed. They also agreed to ask code enforcement staff to investigate a coffee cart in the Willamette District that did not have a permit.

ITEMS OF INTEREST FROM STAFF

The Council wanted the Commission to consider the issue of home occupations and make a recommendation. Staff would identify every home occupation that generated traffic and notify them and surrounding property owners. The staff planned to present a Highway 43 update at the November 16 meeting. A series of County meetings related to planning the Stafford area had been scheduled. The first meeting was on November 5.

ADJOURNMENT

There being no other business, Chair Martin adjourned the meeting at approximately 7:45 p.m.

APPROVED:



Robert Martin, Chair

Michael Babbitt, Vice Chair

11-16-11

Date