



CITY OF West Linn

PLANNING COMMISSION

Work Session

Minutes of December 4, 2013

Members present: Chair Michael Babbitt, Vice Chair Christine Steel, Russell Axelrod, Lori Griffith, Nancy King, Robert Martin, and Holly Miller

Members absent: None.

Staff present: Chris Kerr, Economic Development Director; Peter Spir, Associate Planner; and Megan Thornton, Assistant City Attorney

CALL TO ORDER

Chair Babbitt called the meeting to order in the Council Chambers of City Hall at 6:30 p.m.

APPROVAL OF MINUTES

Commissioner Martin **moved to approve the Minutes of October 2, 2013**, with modifications by Commissioner Martin and Vice Chair Steel. Commissioner Axelrod **seconded** the motion and it **passed** 6:0. Commissioner Griffith abstained.

COMMISSION FOR CITIZEN INVOLVEMENT

- **Neighborhood Association participation**
- **Timing of quasi-judicial notification**

Chair Babbitt had invited neighborhood representatives to comment. David Rittenhouse, 2101 Greene Street, who had served as Savanna Oaks (formerly Tanner Basin) Neighborhood Association president in the past, and Teri Cummings, Secretary of the Marylhurst Neighborhood Association, were present. Mr. Rittenhouse related the need for more training for neighborhood association officers; that the City should promote neighborhood associations as city entities and not ignore them; and that involving neighborhood associations in pre-application conferences should continue. He indicated that neighborhood associations had small budgets that only covered one mailing per year to let people know they existed. They had a big problem in that there was no guarantee that what a developer presented at the neighborhood association meeting would be what actually happened after the developer and staff made adjustments. He related that the Neighborhood Association Presidents (NAP) group had asked the City Council to formally recognize them but the Council had not yet done that. He related the NAP wanted to have neighborhood association officers serve on the CCI. He indicated the neighborhood associations had heard Council comments about getting rid of them and that discouraged participation.

Ms. Cummings stressed that neighborhood associations needed to be recognized as part of the land use decision making process and as citizen's first vehicle for knowing what was going on and having input. Getting information at the last minute increased the frustration level and

made them feel they were caught off guard. The best way to deal with that was for the City to be as proactive as possible. She was concerned that the City Council no longer met annually with entire neighborhoods. That had been very helpful in the past because each neighborhood was unique and felt the City was recognizing and listening to them. She suggested when the Commission was going to consider something they should email the neighborhood associations and ask them to put the matter on their agendas because the Commission wanted their feedback, and give them time to do things like form committees. She suggested instead of the City Council asking for an annual report from boards and commissions the boards and commissions should be asked what they wanted to hear from the Council. She suggested having neighborhood association representatives on the CCI. She noted that at least a third of neighborhood associations were basically inactive. The Commission should emphasize that they wanted to hear from the neighborhood associations to give them more reason to participate. She suggested it would be helpful to have a training ombudsman or advisor to help neighborhood associations learn how to run and report on open meetings and understand the land use process. She supported involving neighborhood associations in preapplication conferences. When asked, she suggested the way to ensure that each neighborhood association had seen the leadership training announcement in January would have been to personally invite each neighborhood. She suggested the City should send information to all neighborhood association officers, not just the president, because they were a managerial/administrative team.

During the ensuing discussion, points were offered that some associations set out signs to announce their meetings and sent out an email with the topics they were going to talk about and perhaps all of NA's should commit to doing that; if the City invested resources in neighborhood associations there should be some commitment from the associations in regard to aspects such as outreach and presidents attending CCI meetings; and it might be easy for the City's IT Department to manage the email list. Commissioner Miller equated better attendance at neighborhood association meetings with better education and better involvement. Mr. Rittenhouse related that as an officer he had relied on a handbook the City gave him that described the responsibilities of the job. It was old and he was not sure the City provided one now.

The Commissioners talked about getting constructive feedback in the form of more specific neighborhood association resolutions; offering the associations training in aspects such as how to run a public meeting and land use; and posting things on the website for neighborhood associations. Mr. Rittenhouse related they were currently required to post their agendas and minutes. Commissioner King advised the City was about to conduct a survey related to how citizens preferred to be communicated with. Mr. Kerr related the NAP minutes he had read showed the NAP was asking some of the same questions about things like training, and managing email lists, and how to standardize how neighborhood associations operated. They had been talking about that for two years. He advised the City was not holding back the NAP. Their minutes showed the problem was not so much the City was not doing all the things they were asking for, but the NAP was having a lot of trouble agreeing how they wanted to do it.

There are 11 different neighborhood associations. Some met very infrequently. Some NAP meetings had been canceled when not enough presidents attended. Mr. Rittenhouse reported they had initially been well attended. The group was pushing hard to be involved with the CCI. He thought it would be a perfect alignment with the Commission.

The Commissioners were going to meet with the City Council in January to discuss citizen outreach. They discussed the need for a commitment on both sides, so the City and the neighborhood associations knew what the City wanted from them in return for an investment. They observed the problem of predictability (no last minute changes) of applications was a problem to be resolved. Training was important and there should probably be a handbook. The web and an email list was a viable way to reach everyone in the neighborhood. Ethics could be part of the training. Mr. Rittenhouse related that ethics was an important aspect addressed in the handbook. He clarified that his association email list reached up to 50 people, but that was nowhere near the majority of homes in the neighborhood.

Commissioner Martin noted that there had been a workshop on meeting facilitation and effective communication training for neighborhood association officers on September 26, 2013. All neighborhood association officers were invited and they even offered them dinner. He asked how many showed up. Mr. Rittenhouse clarified he was not an association officer at that time and Ms. Cummings said she had not heard about it through her neighborhood association. The Commissioners observed the lack of neighborhood association participation in the current meeting. They then discussed going to NAP and neighborhood association meetings as the CCI to develop a relationship with the associations and get feedback; and assigning Commissioners to neighborhoods at the start of each year. Mr. Rittenhouse indicated that would generate a lot of interest in the meetings. Ms. Cummings suggested they should specifically invite neighborhood associations to put specific items on the Planning Commission agenda on their agendas and offer feedback. The Commission should not expect them to go to the website to find it. If there was a good pro and con discussion at the neighborhood association meetings their representatives would come to the Planning Commission with a full understanding of the opinions in their neighborhoods.

2:17

WORK SESSION

Discuss and refine draft Water Resource Area regulations (CDC-10-03)

Mr. Spir had distributed two memorandums dated November 20, 2013. The initial memorandum was "Water Resource Areas, Repeal and Replacement of Chapter 32." Staff followed up with "WRA Chapter 32 Amendments (Repeal and Replace)" in which they proposed to modify and simplify section 32.110(B) Hardship Provisions. Mr. Spir addressed concern about how a 30% cap on the amount of development that could occur within a WRA would impact acre-or-larger properties. He reported that although administering a 30% cap would be easier for staff, he had found a 15,000 s.f. cap would work very well on the majority of West Linn properties and very few would suffer. An alternative method the Commissioners had suggested to have a professional recommend where the WRA boundary should go could be

used for land that had been impacted by years of industrial use where the WRA had been degraded and diminished. He agreed to provide the Commissioners with a report of the number and locations of properties that were over an acre size and had WRAs on them prior to the public hearing.

The Commissioners discussed Commissioner Martin's suggestion to eliminate section 32.060 (C) language related to dedication and restrictive covenants. He explained he would remove it because the code already protected the WRA by setting boundaries and setbacks and limiting what an owner could do there; and a property owner might feel unduly pressured to agree to dedication. Staff advised the language reflected the direction the City had been going toward to protect resource areas and provide amenities such as trails. There was a community interest in providing corridors for trails. Ms. Thornton advised against requiring a dedication the City had to be responsible for. She observed that a benefit of just having restrictive deed covenants was they put a future property owner on notice that there was a limitation on their property. The related code change would be to remove provision 32.060(C)(1)(a.) that indicated the City was going to encourage the dedication of land, but keep the other provision related to putting restrictive covenants on the deed.

During the discussion comments were that leaving the provision in would give the City a negotiation tool in situations where the City would benefit from having some land deeded to it; that the language still required the City to demonstrate it should be an easement or dedication; that language might be inserted to indicate it was an option to explore; that in the past there had been cases where the City did not want to have land dedicated because then it had the responsibility to maintain it. Mr. Spir contrasted the Parks Department's low interest in expanding their responsibilities with the Planning Department's long term perspective that the land would be available for a trail sometime in the future. Commissioner Martin suggested as long as the code protected the resource the City could buy the easement at a future time when it wanted to put a trail through. Mr. Spir noted having the provision indicated the City was interested in moving that direction. Chair Babbitt noted the Trails Master Plan indicated that. Chair Babbitt observed the Commissioners all agreed to Vice Chair Steel's suggestion that the provisions should indicate that when the property was subdivided or developed the City was to encourage the applicant to place a restrictive covenant on the deed recognizing the limitations on development in the WRA; and, alternatively, the applicant could consider dedicating the land to a private trust or conservation group. She explained this language was planting the seed for, but not compelling, dedication.

Commissioner Griffith raised the issue of enforcement of the requirement to re-vegetate a disturbed WRA area and maintain it for three years. Staff advised the City checked to see if the mitigation was done initially, but enforcement after that was complaint-driven. Ms. Thornton advised that she did not see where that could be addressed in Chapter 32. The Municipal Code addressed code violations. After a citation the violator had to pay a \$500 per day fine for not meeting the mitigation requirement.

Commissioner Martin suggested reaching out to the persons who had originally written Chapter 32 to get their feedback prior to the hearing. Mr. Spir agreed to see they had an opportunity to review the draft. He related one of them had written to say the chapter should not be changed. The Commissioners discussed offering educational information that explained what the code change would do that included maps; and what people who had a WRA on their property could or could not do there. Commissioner Axelrod referred to Figures 32.2 and 32.6 and advised slope dimensions should be measured based on the plan view. Mr. Kerr planned to check to see whether the CDC addressed how to measure. He advised the tentative hearing date was January 15 and Measure 56 notice was required. Staff would put a link to the website on the notice so those who wanted to learn more about what the changes would do could find them there.

COMPLETE ANNUAL REPORT FOR CITY COUNCIL

A section of the report form asked about accomplishments in 2013. Mr. Kerr agreed to go through the 2013 agendas and quantify the number and types of hearings and work sessions the Commission had held; highlight key hearings; and list WRA and PUD/Infill subcommittee work. The Commissioners indicated their response to citizens' concerns about sports courts should be listed as one of their accomplishments.

Highlights of the discussion were that the Commissioners indicated they felt they did not have enough input into prioritizing projects; the City Council vision had not been communicated well enough and it was more staff's interpretation; there was a lack of communication and trust between the Commission and staff/administration and between the City and citizens. Challenges included tight resources, tablets that did not function well, the loss of the planning director, and a level of public apathy that was demonstrated by the fact that few members of the PUD/Infill task force showed up when the task force was reconvened.

Mr. Kerr advised that 2014 planning projects were by and large set and on the docket the Council had already approved and staff had a list of other projects to do in 2014, including some which had been set aside as separate projects during the Cut the Red Tape project. Commissioner Martin would add projects to address inconsistencies in the code such as the width of trails, to the 2014 work program. The Commissioners planned more training for themselves, neighborhood associations and citizens; and to define CCI roll and outreach objectives. Staff agreed the Commission would have an opportunity to discuss the Arch Bridge and Blue Heron master plans even though they were not land use items. Mr. Kerr clarified the City Council was going to consider the Planning Commission's Cut the Red Tape project recommendations in January. The Commissioners indicated they were concerned they had no input into prioritizing the list of phase 2 of the Cut the Red Tape projects Mr. Kerr was going to present to Council. They wanted to be part of that conversation. Mr. Kerr recalled he had removed projects from the Cut the Red Tape project based on Commissioners' comments. He advised them to discuss their priorities with the City Council.

Chair Babbitt related that when he interviewed with the City Council for reappointment he had had told them there was a disconnect and the City Council's end goal had not been clearly communicated to the Planning Commission, which, as an advisory body, made recommendations and did not establish vision or goals.

Mr. Kerr updated the Commissioners on the LUBA remand of the Lake Oswego-Tigard water treatment plant decision, and two preapplication conferences. He announced a training session was scheduled on January 15. He planned to arrange a time for IT staff to meet with Commissioners who had problems with their tablets.

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the meeting at approximately 10:25 p.m.

APPROVED:

for Christine M Steel
Michael Babbitt, Chair

3-19-2014
Date