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## COMMITTEE FOR CITIZEN INVOLVEMENT MEETING NOTES

Tuesday, February 27, 2018

5:30 p.m. - Meeting – Rosemont Conference Room

Present: Ken Pryor, Ramiah Ramasubramanian, Russ Axelrod,  
Gary Walvatne and Gail Holmes.

Citizens Present: None

Staff Present: John Boyd

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### 1) Call to Order

Meeting called to order at 5:40 p.m.

### 2) Approval of the February 13, 2018, meeting notes.

The Committee discussed the meeting notes and then considered a recommendation to spend less time during the meeting on the review of notes and save more time for core topic discussions. All members concurred. **Member Axelrod made a motion to approve the February 13, 2018 meeting notes. Seconded by Member Ramasubramanian. Motion passed unanimously.**

### 3) Public Comments

There were none.

### 4) Continued from February 13, 2018 meeting – Planning Process: Continuation of Problem Identification & Topic Review

Chair Pryor introduced the agenda item and Member Axelrod continued the discussion with a review of Land Use Planning Process Draft V4. He explained how Version 4 draft was compiled and provided additional background information. The contributions from past meetings were verified in the current version and work continued on formatting and minor organizational items. The Committee noted it would be helpful to have bullets to summarize the six core issues discussed of the Planning Process. Chair Pryor discussed the 120 day clock, how requirements are set in statute with no option for change. The Committee discussed how the 120 day clock limits citizen's time to review materials. Member Holmes clarified during pre-application meetings, staff notes the applicant has the right to initiate the application without submitting all material in the completeness letter.

Member Walvatne noted the staff report would benefit from analysis on the quality of the information. He explained the benefit of receiving written material from public works or other agencies outlining their

concerns in written comments. The Committee clarified that information is different during the initial planning review than in the construction period when full construction design and complete engineering information is available. In the front end of the review, material is often in conceptual or discussion draft level of detail. It is the responsibility of the applicant to defend their application in the hearing process. The applicant's defense limits answers to how the application complies with the land use criteria that is applicable to the project under review. A response by the City does not occur until the staff report is published. The report is published later in the process and the Committee sought an explanation from the applicant earlier in the process that clarifies the status of plans presented: conceptual or discussion draft, or the % complete.

Member Ramasubramanian noted his concern on the application of the land use process. He noted there should be a qualitative review prior to accepting the application for review. Not just a review to assure the listed submittals are provided, but that the acceptance was determined to meet applicable criteria. He noted a technical review of the code, state regulations and how the applicant's submittal met all those criteria was deemed both complete and as meeting all criteria. Members Axelrod and Walvatne discussed the local challenge is his suggestion is in conflict with state statutes and requirements. A review of the state statute outlines how the process is initiated and how material is reviewed as part of the quasi-judicial process. They wondered how the suggested changes could be implemented without changes in state statute. Staff Boyd noted that the heart of the state wide planning goals was Goal 1: Citizen Involvement. The core of involvement was to promote citizen participation and education in the process. A concern about the proposal to move review of information to the start of the process without allowing change, restricts the ability of citizens to ask questions and ask for responses (study, analysis – new evidence) to those questions. The focus of the CCI should be in educating the public on the process, informing the public on upcoming projects and explaining how they can participate.

Member Ramasubramanian discussed the 120 day rule and was concerned the clock is controlled by the applicant. The issues raised are being reviewed by this committee: having adequate information in a timely manner. Chair Pryor added his concern was the lack of input from public works. He noted that often information is provided late and wondered if having more information earlier might help in the evaluation of the project. Member Holmes noted that staff should be provided feedback that addresses issues regarding compliance with the code. Member Axelrod noted that the committee could not change the 120 day period, instead the goal was getting more information available up front in the process.

Chair Pryor asked for a discussion that considers how the process works. Looking back at how the process worked, what was asserted early in the process versus what happened in the end? Was the right information provided and did the review of the project work as expected and consider lessons learned. Member Ramasubramanian noted the land use process was weighted in favor of the applicant. He felt that the role of the CCI should be a counterweight and provide opportunities for citizen review and feedback. Member Axelrod noted this review is raised in the Education item and is a valued review. Member Pryor supported measuring the success and failures, to identify how participation in the review process worked.

Member Walvatne discussed the Planning Commission's review and noted the applicant often provides more time to assist the city in the process. Member Holmes noted the balance between respecting the public property rights of the applicant and the participation roles of the citizens. Member Ramasubramanian discussed the cost to the citizens and NAs to collect monies for supplemental studies and analysis that supports their concerns or issues. He noted the CCI should highlight the limitations of citizens (cost of studies and analysis) on participating in the review process.

Member Walvatne suggested an addition to Section Five of draft 4 based upon this discussion; he felt the CDC was not being updated in a timely manner. He discussed the recent changes to address storm water and geo technical reviews. Staff Boyd explained that Ordinance 1662 had been adopted and incorporated the adopted changes throughout multiple chapters.

The discussion continued with a focus on education, how to present that to the public in a form that their concern was considered and acted upon. The example of the additional neighborhood meeting was discussed in Version 4. Member Walvatne discussed his thought on an option that would classify certain developments such as subdivision, planned unit development or conditional uses that require extra time. There can still be a class of development that does not require additional review by the Neighborhood Associations. The Committee concurred the second NA meeting should be added to the list. Member Axelrod noted there are grey areas in the review that is beyond statute, city plan or code. There are occasions that are not black and white and requires additional review. Member Axelrod pointed to Draft 4 and suggested that the application or provided documents should cross reference or link to the supporting documents. After some consideration, he considered amending that information to provide the most appropriate information and not the soft links discussed at prior meetings.

The discussion considered Section 3.3 Code Changes, the concern was that resolutions of issues had been taken out of the public discussion and asked how the NA can be connected back into the process. The thought was a clarification of the section to encourage NA feedback early and avoid the quick changes later in the process. Member Walvatne pointed to the second NA meeting as proposed after the application is deemed complete and deemed reviewed by staff: a two week period. This all occurs before the notice or the hearing is scheduled. His concern is after the application is deemed complete, this starts a process that initiates notice, hearing and reviews and the process becomes locked down. He thought the second NA meeting should be before the application was deemed complete because a second meeting after deemed complete would be hard for the NA to consider comments and receive a response by the developer. Member Axelrod noted the information may still change.

Member Walvatne noted the package for review is complete and is posted, mailed to the PC is about ten days after the notice is sent. That base package from the applicant posted online and sent to the PC does not change. He noted this timeline with all the activities happening seems a challenging time to set a second NA meeting. Considering the goal of no changes to the application, having the second NA meeting after completeness could not address any changes to the application: it is fixed. Staff Boyd noted that most new information is based upon comments received during the notice period by the public and are typically addressed by the applicant's consultants during the hearing. It is not the base package submitted by the applicant that is the issue, the concerns raised was the additional information received. The concern then becomes validity of input opportunities at the second meeting after the application was deemed complete. The reason for the second meeting was for the NA to review responses to feedback at the first meeting and identify any missing responses. There still may be changes sent to the NA at the second meeting and having that after the application was deemed complete limits option to change as new evidence at the hearing.

Member Walvatne continued to note the concern on the second NA meeting needs more discussion. The timeline may not be correct as noted. The time line is two to four weeks after being deemed complete and before the application was reviewed complete. He supported the second meeting occurring before the application was deemed complete. There was a discussion on the review flow and consideration of how

best to present information. The thought was to take the information raised at the first NA meeting, start compiling new or updated plans that incorporate that information. Present it to the NA meeting for confirmation and then all will consider the application ready for presentation to the city for final completeness. Overall there was agreement that the NA second review should be a final review and could occur during the same period that staff is completing the 30 day completeness test.

Member Axelrod noted that not all projects may require a second NA meeting. The requirement for the second NA meeting could be identified at the pre-application meeting. The Committee discussed differing variations on how to identify the types of project requiring NA meetings. The consensus was to define those types of applications such as subdivisions, PUD or CUP should require a second NA meeting. Other projects, a variance possibly, could require a second meeting and the decision for the second meeting would be at the option of the NA. The remaining applications sent to the NA would require one meeting. Member Holmes supported having defined criteria for second meetings and specifically having options for second meetings that give them choice to waive the second meeting. This would encourage greater participation by the NA's and improved response by applicants.

Member Holmes requested that pre-application notes should automatically be mailed to the NA president whether the NA attended or not. Staff Boyd reminded members that those notes were posted online, however it was also reasonable to mail pre-application notes to the NA President. Member Axelrod polled the committee asking if he should incorporate all changes or keep the changes in the edit format. The consensus was to leave them identified as edit changes for now.

## 5) Member Comments

The next meeting is March 6, 2018. Members were asked to check their calendars for a meeting on March 13, 2018. The meeting on March 20, 2018 will be cancelled and it was determined that March 27, 2018 is also a scheduled meeting.

## 6) Adjourn

Meeting was adjourned at 7:20. The next meeting is March 6, 2018, at 5:30 p.m. and will be held in the Rosemont Room located in City Hall.