



# CITY OF West Linn

22500 Salamo Road  
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<http://westlinnoregon.gov>

## COMMITTEE FOR CITIZEN INVOLVEMENT MEETING NOTES

Tuesday, July 18, 2017

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

Present: Chair Thomas Tucker, Russ Axelrod, Bob Martin, Ken Pryor, Gary Walvatne, and Karie Oakes (arrived late)

Citizens Present: Carrie Pellett arrived later in meeting.

Staff Present: None

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### 1) Call to Order

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

### 2) Approval of the July 11, 2017 meeting notes

The minutes for July 11, 2017, were reviewed and members discussed changes. Member Axelrod proposed changing the last paragraph last sentence in Item 4. to end as follows “. . . and development of the project earlier in the process”, that change was approved and incorporated. ***Motion to approve the meeting notes by Member Martin and Seconded by Member Pryor. Motion passed with one abstention (Member Walvatne).*** Member Walvatne noted he was not receiving the draft information and requested to be added to the listing. Member Oakes arrived following the approval of the meeting notes.

### 3) Citizen Comments

There were no citizens present to comment.

### 4) Planning Process Review: Quasi-Judicial Final Decision (Fifth in a series)

- a) Members discussed a revision to the agenda to reschedule the training to the next available meeting. In place of the training they decided to:
  - i) Continue developing a list of Planning Process Agenda Action Topics or
  - ii) Discuss other items found pressing by the Committee.
  - iii) Consider a potential motion by Member Oakes on the recommendation for Council to consider action on the issue of “DeNovo hearings process on appeals”

The Committee began with a discussion from last meeting on a potential motion by Member Oakes. She noted over eighteen months have passed and no action was taken yet on the process

change. She discussed the change to the CDC that requires legislative amendments require the establishment of a task force. For the topic of DeNovo, she was concerned that would take too much time.

Member Axelrod noted the training process was moving along and nearing the point of discussing appeals. Member Oakes discussed the process of establishing a task force which was discussed as potentially time consuming versus having the Planning Commission take action on that item when directed by Council. Member Axelrod discussed concerns in appeals that had less to do with DeNovo and more focused on geo technical issues. Member Walvatne noted in discussions with Director Williams that a draft would be ready soon. The Committee discussed concerns related to simply bringing the deleted Chapters back into the ordinances or being more selective, reviewing the material and updating material to return it to the code sections.

Member Oakes expressed her concern that the public needs adequate time to review material. Member Martin clarified the material will be available on the website soon for a Planning Commission (PC) Hearing on August 16<sup>th</sup>. They discussed the review process for PC recommendation and Council adoption in the fall. Member Oakes noted her concern was related to citizen involvement. The technical issues reviewed by the PC will still require citizens and citizen groups to consider hiring professionals to provide technical input.

Member Oakes explained that storm water and geo-technical issues are complex, however the planning process is equally complex. She noted the hearing for citizens is a learning process and expressed her support of a DeNovo process that allows more input later in the process. The Committee discussed the difference between being limited to the record versus starting over with a DeNovo appeal. The Committee noted people will have more time to learn about the issues and if they don't agree they can provide new evidence before council to support their concerns. Member Martin discussed his concept of requiring more information in the application and noting that the citizens have adequate information to analyze the proposal. They noted that the application is posted and available to review. Member Oakes' issue was not that the information is ready earlier, it was the information was not understandable to some citizens. Lay people do not fully understand the code from reading material. They benefit from listening at the hearing and learning from the discussion.

The discussion concluded with Member Axelrod suggested the creation of an advisory group with trained citizens who could be a resource to the NA's to provide potential issues of concern or interest. Some discussion focused on the duties of staff in serving that function. The functions of that new group could be attending pre application meetings, giving feedback to the NA's on what they learned. It was deemed similar to an ombudsman service. Providing education earlier in the process on key topics using understandable terms. They considered getting more informed in that role and revising the function of the CCI. In the past the committee has discussed developing educational material. They noted experience has shown citizens do not get involved until they feel impacted by development in their area. It was noted that this should be a standing committee that was ready to serve.

The Committee noted that for the council to take action they must add the item to the docket. Action is needed on items listed on the docket. The PC has been working on council priorities, the question was raised if the DeNovo was added as an emergency item, what priority should be

removed. Further discussion was held on the process of the docket. The length of the current training was discussed and a concern was expressed as delaying action on DeNovo. The Council Goals were reviewed, the docket item was reviewed to educate the members on setting priorities. Member Walvatne expressed concern about when information is received and explained that state rules set the deadlines. The thought was how to accelerate the learning process to allow citizens to be better prepared to comment. The question was how DeNovo would serve in education of citizens and providing opportunities to comment. The challenge discussed was that the hearings process often led to continued hearings, more information and confusion. The recent hearing that was withdrawn related to the Cornwall Subdivision had concerns regarding utilities or other infrastructure. He asked for more information provided by Public Works Engineering. They discussed the lack of information between submittal of information, review by the PC and internal review by the Engineers. Their concern is the need to have more information from engineering on design element concerns as related to public facilities.

Member Axelrod explained the state law dictates when an application is deemed complete: there are three options, to provide all missing information, or for the applicant to provide a letter that they want to move forward as the information was submitted, or to let the time expire. They thought additional discussion with Assistant City Attorney Thornton would be beneficial. The members considered the level of review, does it meet criteria versus is the project engineered to address all raised issues. There are lot of elements that the public do not get to see or have time to educate themselves on the issues. The PC does is not provided engineering review topics and receives only a preliminary review from engineering staff. Two issues were raised for the Assistant City Attorney, a reminder on the process for deeming the application complete with focus on what action the City can take to guide that process. Secondly, how can the city address the gap in engineering design review from the time the application is deemed complete to the time the project is reviewed by the PC. It was recognized that the review is “does the application meet the criteria.” Both the municipal code criteria and the community development code criteria.

The committee recognized that the PC must address only the issue of “do they meet the criteria.” The thought was these issues should be brought up and it seems reasonable that there should be a process. The goal should be that engineering plans should be at a 60% design completeness. In the end, the Planning Commission asked for more guidance from Engineering on the needed improvements and the cost of providing those improvements. In addition, they asked for guidance from engineering on the scope of the improvement design to allow the information to guide the adequacy of those decisions. Using the examples of the Sunset School above ground pond requirement and the Cornwall Subdivision detention pond, those engineering decisions were not described for discussion before the PC. The suggestion was to start capturing this information and provide it to City Council for follow up. Member Axelrod noted that he had conversations with the City Attorney and wanted to give him an opportunity to have a conversation with the CCI before deciding to move the vote forward. Member Oakes noted that was not the question, the point was to take it off the plate of the CCI and move it forward to Council to take follow up action. After a short discussion ***Member Oakes moved that the CCI recommend to the City Council to send the question of restoring the DeNovo. Second by Member Pryor.*** Under discussion, it was recommended the action be for Council to consider placing it on the Docket and waive review by the working group. The concern was that failure to do this review would mean that staff would be drafting this code without review by the PC. There was a concern that staff would not follow direction given. In the geo-tech direction to staff, they were given guidance to restore the existing

code and six months have passed without action taken. There was an extended discussion regarding the need for an open public input during this legislative process.

The Committee discussed the difference in crafting code. The process using a work group gives citizens a voice in the process. Giving staff direction on the process, the Committee felt there was no certainty on what product would be produced. Specifically related to the on-the-record to DeNovo switch there is not just one switch. It takes code review and crafting. Secondly, the change to DeNovo will not fix all issues. The expectation should not be this change will resolve appeals or resolves successful citizens input for the process. The Committee summarized they need to complete their discussion points, complete the final training quickly and then have CCI act as the task force for review of the DeNovo issue. As an Option, consider crafting the code with the changes they felt make the needed corrections. For the upcoming meetings, the Committee desired having both attorney's provide feedback on these questions. Under the new CDC changes, there was a discussion if the CCI would be the best group to act in this role versus sending the matter to the PC. At the end of discussion, the members voted on the motion which failed. (Members Oakes and Pryor voted for the motion and Chair Tucker, Members Axelrod, Martin and Walvatne voted against the motion). Member Axelrod asked for staff to follow up on bringing the City Attorney to the next CCI meeting to discuss these issues. It was clarified the next meeting agenda will have the Assistant City Attorney complete the training and discuss DeNovo process (August 1, 2017) and asked for the City Attorney to speak on the DeNovo change discussion. It was noted this meeting could potentially last two hours.

b) Planning Process Action Topics Summary: (Continued from prior meeting)

This item was postponed until the next meeting.

5) Member Comments

There were none

6) Adjourn

Meeting adjourned at 7:35 p.m.

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