



CITY OF
West Linn

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COMMITTEE FOR CITIZEN INVOLVEMENT MEETING NOTES

Tuesday, October 17, 2017

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

Present: Karie Oakes, Bob Martin, Russ Axelrod, Ken Pryor, Emily Smith and Gary Walvatne

Citizens Present: Carrie Pellett

Staff Present: John Boyd

1) Call to Order

Meeting called to order at 5:30 p.m. Gary Walvatne was delayed (arrived at 5:45 pm).

2) Approval of the October 10, 2017 meeting notes:

The meeting notes were reviewed, clarifications considered and approved. **Member Axelrod moved to approve the amended meeting notes for October 10, 2017, Member Smith seconded. Motion passed unanimously.**

3) Citizen Comments

There were none

4) Planning Process: Continuation of Problem Identification and Topics Review – continued discussion from October 10, 2017

Chair Oakes outlined the handouts provided at the meeting. She asked Member Axelrod to speak to the updates or changes to the summary table (the current working version dated Oct 17, 2017.) Member Martin asked how the committee intends to transmit this information. Will the CCI create a draft document to provide to the working group as a starting point? Member Pryor disagreed with the process and thought another discussion of the training would be redundant. In addition, he wondered if the core group of CCI would be used as a resource where possible and if a planner from a local university could be an addition to the group. The committee had an extended discussion on concerns about using a local developer who may have a bias on the decision making process. Member Martin concluded that a draft summarizing the findings of the CCI might

be helpful without telling the workgroup which steps to take. Member Axelrod asked for a poll of the committee on this issue.

Member Walvatne stated the knowledge transfer would be substantial due to the large amount of information. The new group may require help through the process either from members of the CCI or from staff. He was not sure if the responsibility of information transfer was the role of the CCI and wondered if that role could be provided by another person or group. If the CCI provided summaries, he asked if the product would be helpful or confusing. In addition, he noted that if the CCI provided summary documents that outlined all information necessary, the creation of that product may be beyond the role of the CCI.

Member Smith also noted her concern on the knowledge transfer. She had mixed feelings on whether a developer should be at the table or not. She added local developers who are also residents of the city could provide their perspective on the process to the new working group.

Member Axelrod also noted a concern on the transfer of information. He agreed that at some level the transfer of information is needed. He mentioned having members from the CCI would benefit the working group by providing their background and knowledge. He disagreed with not having a developer. He agreed with Member Smith that the feedback from a local community developer may be helpful and suggested we need their perspective on things discussed at the working group. He admitted that the choice of those members will be important. The best candidate will have the needs of the greater community in mind and is fair in their considerations. He noted the focus will be to the citizens of West Linn and thought getting contrasting views might help by bringing new information to the table. Carrie Pellett arrived at 6:00 pm.

Chair Oakes reflected on the CCI role created with the recent change to Chapter 98.035. When Council initiates the process to create working groups, she explained a concern that the CCI in this new role may have deviated from their original role: citizen involvement. The CCI just completed a training to better understand the Chapter 99 decision making process. She noted the focus in the review was improving citizen involvement and was concerned that the amount of information to pass along is substantial. Chair Oakes noted the role of the CCI was to be problem identifiers and the working groups would be problem solvers. She thought that the summary information might be helpful and urged caution on the amount of information provided. The working group should not be made to feel that the CCI transfer of information was too heavy handed or could give the appearance that the work was complete and no further input was needed. She reminded members that Chapter 98.035 required staff to draft the code language for consideration by the working group. She suggested that the CCI should keep its focus on citizen involvement and the support of implementation of citizen involvement in the code and that they should not write the code.

Member Martin agreed with both options but continued with a discussion on the working group approach. He supported a working document as a starting point. The working group approach has worked in the past because both sides of the issue were at the table and defended their positions. The outcome of this dialogue was achieving a common ground that was mutually beneficial. Member Martin related an example used in the development of the water resource area overlay. At that time a working group was developed because of the difficulties in reaching consensus in a public hearing setting. He discussed the strengths and weaknesses of a staff initiated code versus a citizen reviewed code. The balanced subcommittee worked best in developing what the needed end result should be and remaining focused on that end result when drafting code changes. He concluded that same outcome could not occur during hearings, it takes time to talk through the issues and compromise. Member Martin then asked if the CCI should consider spread sheets or have more scripted versions. The committee discussed differing methods that could be considered (detailed outlines versus tabular information).

Member Axelrod suggested once the problem areas were defined, an outline could be developed from the spread sheet. He thought each issue could have a short statement of the problem as an explanation. There was a discussion on what would be the best method to move from concerns raised to action items under consideration. Member Martin discussed the administrative column and noted that item would be better addressed by the Engineering Department, the Planning Commission or Planning staff. He explained not every solution has a required code change. The concept was to revisit the full land use process, consider the proposed problems, and remove redundancies. In the end, ask each department (Planning, Parks, and Public Works) to consider workflow changes needed to improve the process, clarify tasks and enhance workflow. None of these actions would require changes to the code. Member Axelrod asked if staff would address those questions after the CCI completed their product. Member Martin thought the question was separate. These items fall under the policies and procedures that don't require the crafting of code. Member Pryor noted changes in the process can occur without violating state law or require new or revised code.

Member Martin provided an example from the planning process, where the staff report duplicates information provided by the applicant. He preferred a staff report that annotated the areas of agreement and focusing comments on those areas where the applicant's submittal did not clearly address code or there was a disagreement on code issues. He discussed an example when an applicant submits a proposal that meets the criteria and the city asks for additional changes, what role the reviewing departments played in the process (Sunset School example). He asked staff if the city can ask an applicant to change a proposal that met criteria. Staff Boyd noted in that instance, Public Works raised a municipal code consistency issue and a change was needed to comply with code. Member Axelrod noted in the example, the applicant proposed a method acceptable in the region but the City Public Work's adopted different standards that referenced some regional practices, but required differing uses to meet different standards. Member Walvatne recalled that code previously allowed school projects to construct drainage systems that were different than the type proposed at Sunset School. The change occurred when the City adopted the Portland Storm Water manual, adding there was not clarity if any sections were excluded in the adoption packet. He concluded not having that clarification was confusing when the Planning Commission reviewed the new school proposal.

Chair Oakes noted the standards should have been made clear at the pre-application conference and the committee concurred. The Committee discussed the 120 day rule timelines that constrict land use reviews. Member Martin asked the committee to consider when changes should be allowed in the application review process. He noted during the Sunset School review Public Works required changes during the process and there were no criteria supporting the need for that change. Staff discussed how departments work under the adopted codes (municipal or community development codes). In the example, the project did not meet municipal code. The committee discussed the timing of changes and asked how to reduce the number of changes. They discussed that changes are considered when Public Works determines the project design doesn't conform to the municipal code or changes are proposed in response to questions by the reviewing board to consider as a modification to the proposed design. The committee considered increasing the quality of preliminary plans from conceptual designs to a higher level of engineering completeness. They recognized that full construction design engineering plans are not provided until after land use approval.

The committee recognized that citizens being asked to review multiple changes and understand the impact of the changes is a great challenge versus limited potential changes and retaining the need for transparency in the process. How can you restrict needed project design changes to limited points without excluding citizens from that review process?

The committee had a concern about not providing information to the public. Member Martin broke the changes down into two components. Change to comply with the municipal code and change to

comply with the CDC. He agreed that change must occur when there are violations of either code. Member Martin noted in violations to the code, the applicant would ask to stop the clock and make the needed changes to comply with municipal code or the CDC. Member Martin asked the committee to consider whether that change would require an additional neighborhood meeting. Chair Oakes noted that some corrections could be made as a condition of approval. Member Martin stated his preference would be for the applicant to fix it upfront so the citizens are aware of the change and have the ability to comment in a public forum.

Member Axelrod was concerned about removing process flexibility and restricting project improvements (initiated by the city or applicant.) The Committee asked what could be done to improve the process. The hearing could begin with a discussion of the changes (initiated either by the applicant or the city). The focus of the process would work to educate the public, the Planning Commission, and if adequate time was provided, to update staff reports.

Member Martin asked if discussing information at the hearing, introducing the needed changes to meet standards earlier in the process, and potentially requesting a continuance to allow time to provide updated plans and analysis is possible. The applicant would provide testimony and discuss the changes proposed by the City. The applicant could request a continuance to provide time to complete design changes and include adequate time to return with new information. The continuance should consider time to post the new information and allow time for public review and comments before returning the hearing process. Member Walvatne asked how staff would provide supplemental reports to the Planning Commission on compliance with the code.

Chair Oakes asked about the 120 day rule and the time it takes to get to hearing. Staff explained the notice requirement and the hearing dates are fixed. The differences in the time line for each case, depends upon the applicant, and differs from case to case. Chair Oakes asked how staff is impacted when changes to the application are considered. In general most changes are new information and continuances to the hearing are required. Oregon land use by nature has an open process and follows an iterative review process.

Member Axelrod considered that postponing a process or unduly regulating processes could be challenging. He recognized that each project is different in complexity and asked how staff shared information during the review of a project. Staff Boyd noted that during the land use process questions are raised and new studies are submitted by the City, applicant or opponent groups. The larger the project, the greater the potential changes to the review process. Member Axelrod hoped to not compress the process and create deadlines or workloads that are too cumbersome for all involved. His also was concerned about the number of changes that are also difficult to track and very confusing for the public to review. Member Pryor supported a flexible process and urged the process should maintain momentum. He noted that most code issues have clear criteria that are measurable and the site constraints are typically known up front. His noted that the give and take helps the citizen understand how the criteria are addressed.

Member Axelrod spoke to how applications are deemed complete. He noted that statute limits what staff can do in evaluating the information. A completeness review versus an adequacy review was discussed. Staff verifies the pieces required by code have been submitted. The role of the applicant is to defend the application they submitted as meeting the code. Member Walvatne asked clarifying questions about completeness and how that starts the clock. Starting the clock impacts the timing of the staff report. He argued that the staff report should be produced at the time the application is deemed complete. Staff noted that the staff report is a tool for use by the Planning Commission in making a decision. That is only one part of the hearing process. He explained the Planning Commission considers the applicant testimony, public testimony and additional submittals and then makes a decision at the close of the hearing. Moving the staff report forward does not help the process and would be confusing. As information changed, supplemental reports would be required. The committee considered the conceptual 30 day technical delay of the

clock argument to evaluate the validity of the application. Member Pryor noted the applicant should be made aware the preliminary analysis is insufficient and requires additional information for them to consider moving forward. Chair Oakes reminded the committee that the burden rests on the applicant to defend the application. Changes to the information provided should be disseminated as soon as possible. Member Martin noted that is the crux of the issue. The public does not want multiple changes to review (supporting a fixed information set moving forward) and they want to defend their position and have the need to argue positions which also includes providing new testimony. The process cannot provide fixed information while providing flexibility in testimony or new evidence with challenging applications. The committee asked how to draw the line when determining which process to use?

Staff placed on the screen two examples: the conditional use application submittal requirements were limited to a few submittals versus a land division application submittal requirements that were extensive. A land division required many submittals, maps and reports. The Committee discussed the differences in the application submittals. They reviewed the question of when an application is deemed complete versus when that application is deemed adequate. The goal is to limit the number of changes and reduce the instances in which citizens are playing catch up on information. The committee discussed how to resolve the technical adequacy and get all parties having the same information.

There was a detailed discussion that considered following the completeness check, a next step (conceptually) could be a technical adequacy check that reviews plans, identifies issues and renders an improved project. The core question considered was how the public can be made to understand the changes proposed at the hearing. The committee discussed the goal of formalizing the change process to have a clear understanding of the issues under consideration. The Committee discuss if it was possible to obtain a 60% engineering design submitted at the completeness level. The level of accuracy was questioned when the number of changes occurring in the hearing process would render the expensive plans useless. Instead, the committee agreed it would be helpful to have a letter from Public Works, similar to those received by the Fire Agency that agreed that the requirements were met, or if not met, what changes were suggested and why they are required to be provided with the staff report as attachments. In the instances where an issue is raised, the letter can provide brief background information on why the decision was made.

In addition, the committee discussed first how to educate the Planning Commission and Engineering staff on the best methods to share information. To start this process, it would be helpful for engineering staff to assist in a training event and present how they complete reviews and what written material they will provide to the planning commission. At this training, the Planning Commission could clarify what information is helpful and what information missed the mark.

5) Member Comments

There were none.

There was a discussion on the next meeting date (October 24, 2017) conflicting with the West Linn Waterfront open house. The Committee considered the question of a quorum on that date. Also noted was the following meeting was October 31st. There was consideration to adjust the meeting dates to Thursday, October 26, 2017, and return to the regular Tuesday schedule in November. The committee considered multiple dates and agreed to continue some type of weekly meeting schedule. The end result was meeting on Thursday October 26th and return to Tuesday November 7th in the Rosemont Room.

6) Adjourn

Meeting adjourned at 7:15 p.m. The next meeting is October 26, 2017.