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COMMITTEE FOR CITIZEN INVOLVEMENT MEETING NOTES

Tuesday, January 23, 2018

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

Present: Kari Oakes, Emily Smith, Gary Walvatne and Bob Martin.

Citizens Present: None

Staff Present: John J. Boyd AICP

1) Call to Order

Meeting called at order at 5:40 p.m., Chair Oakes explained that in January, each committees traditionally holds an election of officers. The committee considered the request and determined, due to a minimum quorum, to wait until the next meeting. All agreed and suggested election of officers be placed on the next meeting agenda.

Chair Oakes considered approval of the December 19, 2017, and January 9, 2018, meeting notes. After discussion of the December 19, 2017, meeting notes, action on meeting notes was deferred until the next meeting to allow for a review of the tape on a few items. It was suggested the delay would allow members in attendance at the December 19, 2017, meeting to consider the questions raised on a statement regarding “the definition of DeNovo process”, “changes to the application” and “such as party status”. The commission was unsure of the context and requested the tape be reviewed and revisions proposed to add clarity to the meeting notes.

2) Citizen Comments

There were none.

3) Planning Process: Continuation of Problem Identification and Topics Review – continued discussion from January 9, 2018 meeting

Chair Oakes opened the discussion and turned the discussion over to Member Martin for review of materials submitted by Members Walvatne, Martin and an email from Member Pryor. Member Martin suggested the draft materials should be provided online (including the draft quasi-judicial flow chart). He

noted the next step would be to compile the draft materials, continue work on a draft outline for presentation to City Council. He explained that council would be asked to create a working group and provide direction to move forward with the development of a draft revision to the quasi-judicial code process.

Member Martin asked Member Walvatne to discuss his submittal. Member Walvatne began with a review of background information. He noted that the size of the development really didn't matter, the same basic issues must be addressed for all development. He noted the education component was important for novice developers entering the process. These developers are less experienced with the land use process and need additional information. Member Martin noted the small developers in the City do not have the benefit of a cost reduction by fewer submittal requirements or from lower cost applications fees. Staff Boyd noted the required submittals differ based upon what constraints are found at each location. The required submittals differ based upon the presence of natural areas or hazard areas within each site. Regarding fees, he noted those are set by Council and are specific to the proposal, not the type of development that is proposed (small scale or local developer).

The committee began a more detailed discussion on fees considering the difference between larger projects and smaller projects (area of affordability). Member Martin proposed a conceptual expedited process that might address reduction of the scale of studies required for submittals or consider a gradient fee scale. Staff Boyd was asked to speak on the issue of the scale of development. He noted that fees are set by Council and must be applied as adopted. The fee schedule was shown on the screen and examples discussed. On the issue of waiving required studies or submittals, staff noted that each site has differing constraints. If a project is located outside of a hazard area those requirements can be clarified and the level of analysis may be reduced. Staff and the committee discussed the responsibility of the applicant to address criteria and adequately defend their application. The answer is best addressed by education for the developer of the site constraints and having them review the appropriateness of a waiver request. In addition, the types of applications have differing submittal requirements. Due to those issues, no case is typical and a conversation on waiving submittal requirements can be challenging. Chair Oakes agreed and suggested that the word "expedited" not be used because it could be confused with an expedited land division. She also noted that citizens might not agree with the reduction of submittal requirements because it removes that information from the process of reviewing the land use application. She understood the concern, but wanted clear information to those citizens who have concerns with development pressures and impacts.

Member Martin noted the complexity of the process does dictate the level of complexity required for the application. He noted that in some cases there are options for waivers and wondered how a scale could be applied. The concept was simple applications should require fewer submittals and have lower fees. The commission considered options and factors. Staff returned to the fee schedule which considered that land division is not set on dollar value but on number of lots created. Conditional uses and design review is set on dollar value of the project and requires a deposit for the review cost. It was agreed that fees were a policy decision set by Council and concluded a discussion on the fee schedule should be removed from Member Walvatne's submittal.

Member Martin returned to the land use submittal and noted under the area of education, a discussion on solutions could be introduced. Members Martin and Walvatne contrasted the differences and similarities in sites. Some projects are small and face larger issues and may be adjacent to larger developments facing the same challenges. The committee considered equity issues facing smaller scale projects. It was generally agreed that the complexity of the process is set by those environmental issues on the site. This concluded the discussion on Member Walvatne's topic.

The committee turned to Member Martin's report and walked through each page. He asked Chair Oakes how the number of meetings provided were broken down (28 meetings held) and wondered if there was data on the hours of work spent on each item to complete the missing information found in item I. B. of the report. The committee found no hourly analysis existed and staff had tracked basic statistics such as the number of meetings conducted by the CCI. The committee chose to revise the report to simply reflect the 28 meetings completed. The committee discussed additional formatting and clarifications that should be made to the submittal.

The committee chose to take time to review each page and have staff make edits to the document at the meeting. Some of the proposed changes modified "NA" to neighborhood to reflect that not all outreach activities are completed during a Neighborhood Association meeting. There are instances where neighborhoods are invited to attend a separate meeting. Other grammatical and formatting changes for clarity were also completed.

Chair Oakes noted that holding the neighborhood meetings could be helpful. She expressed a concern about maintaining the ability for NA members to speak or provide comments at the pre-application conferences. That information is an important component to assure developers are aware of identified local concerns.

Member Martin spoke on the intent of the pre-application conference; it is to educate the applicant on the regulatory setting. Having two neighborhood meetings allows for feedback before the application is in final form. The Committee discussed the evolution of the pre-application conference and how returning to its original intent, adding neighborhood meetings would serve the greater goals. The committee considered the information contained in the concept paper. Member Martin preferred the original version noted there are two problems: one is that the pre-application conference is being used in a manner that was not originally proposed (public outreach on the project, not a time for the applicant to ask questions on the applicable regulations) and the second asked if the neighborhood meetings are held too early would enough information be available on the application. Conversely, if the meeting is held too late it may be difficult for the applicant to make changes. Chair Oakes noted there is always time to make changes.

Member Walvatne questioned the intent of the pre-application conference. He noted that the intent is to provide time for the applicant to meet with technical staff, to review regulatory issues and provide information on infrastructure needs. Member Martin agreed and suggested that adding another neighborhood meeting provides an early opportunity to get information to citizens and to provide an opportunity to raise questions. Another benefit is to remove the pressure of the pre-application conference as the first contact for citizens to provide information and to return the original intent of the conference to educate the applicant on the regulatory setting and let consultants speak to public works on infrastructure questions. On the point of earlier neighborhood meetings, he noted providing an opportunity for citizens to address concerns earlier in the process gives the applicant more time to be responsive and open to address change. If the concerns arise later, the applicant has already paid for studies and may be less willing to change plans. By asking for changes earlier in the process, before the studies are completed, the cost to the applicant could be reduced.

Chair Oakes reminded the group that the applicant is responsible to address the applicable criteria for the application. The citizens need as much information as possible to provide an informed response. The applicant has to address the criteria and defend the application. The committee had a lengthy discussion on how to bridge the information needs of the public and of the reviewing body.

There was a continued discussion of the intent of a pre-application meeting. Staff Boyd noted that intent of the meeting was to provide an opportunity for the applicant to ask question on the regulations and to meet with engineers on the infrastructure requirements. The current process is to present the proposals and to

answer questions of the citizens present. The committee discussed how the two neighborhood meetings could allow for changes to the pre-application conference, to make it a private meeting that address the original intent. The concern was using the pre-application conference for citizens to raise questions may interfere with the intent of the pre-application meeting and the applicant's need to obtain information on the regulations and infrastructure needs.

Member Martin noted that two neighborhood meetings provide information to communicate project proposals and listen to citizens' concerns. He noted citizens often express concerns about increased density and transportation issues. Staff Boyd was asked to discuss the regulatory context. He responded that density issues are already addressed in the Comprehensive Plan. All sites in the city are allowed to develop under the density identified in the plan. The infrastructure to serve those developments are addressed in the City's capital improvement plan, transportation and utility plans. Member Martin noted that by holding two meetings, citizens can express their concerns, and the applicant can ensure the issues are heard and options are considered early on in the process and that the applicant considered their needs and attempted to implement change based upon what was heard at those outreach meetings. The way the process is now, citizens attend a pre-application meeting attempting to have a dialogue and pushing for change at this meeting. He noted the intent of the new process would be to stop conflict by opening up communication with all involved. Member Martin agreed and thought with this education outreach the changes could be made to improve the process: both for the applicant at the pre-application conference and the citizens by having more than one neighborhood meeting.

Member Martin noted that the pre-application conference could be redefined to include citizen input. That change should consider reduced fees as it is now serving a differing function and is not using the staff time to answer technical questions by the applicant. Chair Oakes supported education and expectations that citizens will be assisted, better informed and have opportunities to be heard. She also supported retaining Neighborhood Association members to raise issues and be heard at the pre-application meetings. She felt that opportunity provides information that may not be available in studies.

Member Walvatne asked for clarification of how the process would work moving from one neighborhood meeting to two neighborhood meetings. He wondered how early the early meeting could be scheduled and how the second meeting would fit into the timeline. He noted the code has a defined time period for completing neighborhood outreach and he wondered how two meetings could be completed with those time constraints for outreach and notice. He discussed one option of 45 days before the pre-application meeting, noting the pre-application conference is good for 180 days. Member Martin noted two options are 15 or 30 days before the pre-application conference. The question was more focused on how to bring in a meeting after the application is submitted. Once the application is complete, there are implications on the 120 day clock. He asked about the impact for the application to comply with requirements and how the meeting spacing could create a lengthy period of time before the end of the second meeting.

Chair Oakes left the meeting at 6:50 p.m.

Member Martin suggested that members review this draft and their comments and consider submitting proposed changes for the next meeting.

4) Member Comments

There were none.

5) Adjourn

Meeting was adjourned at 6:55. The next scheduled meeting is January 30, 2018 at 5:30 p.m. in the **Bolton Room** located in City Hall.