



CITY OF
West Linn

PLANNING COMMISSION

WORK SESSION

Minutes of July 3, 2013

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

Members absent: Holly Miller

Staff present: John Sonnen, Planning Director; Chris Kerr, Director of Economic Development; Zach Pelz, Associate Planner; and Megan Thornton, Assistant City Attorney

CALL TO ORDER

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

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Commissioner Martin moved to approve the Minutes of June 5, 2013. Commissioner Axelrod seconded the motion and it passed 5:0.

WORK SESSION

Cut the red tape project

Mr. Kerr presented the staff report (see his June 27, 2013 memorandum, "Cut the Red Tape" regulatory code streamlining project). The project goal was to modify codes and processes to remove inefficient and unnecessary regulatory barriers to development and doing business in West Linn. This was a cultural change toward inviting more, vibrant, economic development into West Linn that the City Council wanted to see. Mr. Kerr reported that the comments he and the Economic Development Committee received revealed that the some members of the development community felt they were not welcome in the city; the process set them up to fail; SDCs were very high; and it was a challenge for existing businesses to expand there. Mr. Kerr's memorandum summarized potential changes to consider. He pointed out he had highlighted the seven changes he thought were most vital under "Next Steps." They would just scratch the surface. More could be added. He invited comments.

Chair Babbitt referred to complaints about the process. He observed that West Linn did not want an auto row situation. He voiced concern about lowering SDCs. Mr. Kerr suggested they might be tweaked in order to offer the lower SDCs as incentives for those businesses West Linn wanted to see. Commissioner Martin held that City Council goals should be in the Comprehensive Plan. The Commissioners asked for clarification regarding the relationship

between City Council goals, Statewide Planning goals, the Comprehensive Plan, and quasi-judicial decisions. Ms. Thornton and Mr. Sonnen explained Comprehensive Plan policies were implemented by the Community Development Code, which the Planning Commission used in making decisions. The Plan had to be consistent with Statewide Planning Goals.

Commissioner Axelrod expressed concern about allowing increased heights (more floors) in residential areas. Commissioner Martin was concerned that making the proposed change to remove Conditional Use standards that called for an application to be 'consistent with the overall needs of the community' and 'consistent with applicable policies of the Comprehensive Plan' would mean that any use could be approved as a Conditional Use. Ms. Thornton explained the only uses that could be conditionally permitted were listed in zoning tables. Staff explained they proposed a change to clear and objective code criteria because staff and applicants were spending a significant amount of time going through the Plan and addressing every single goal in it. Ms. Thornton advised that if the CDC was correctly implementing the Comprehensive Plan one did not need to go back and address all the Comprehensive Plan goals. Chair Babbitt and Commissioner Martin indicated that the code did not fully support the Plan. Commissioner King questioned removing the current criteria before the code was updated. Commissioner Martin anticipated it would take years to rewrite the code. Mr. Kerr then suggested staff would look at how to write the criteria more clearly instead of removing it.

Commissioner Martin, Vice Chair Steel, Commissioner Axelrod and Chair Babbitt each expressed his/her concern that several of the proposals would take away the public's ability to participate in public review of development proposals, including suggestions to have the Planning Director review public projects that were part of an approved master plan; exempting public works projects in the public right-of-way from land use review; and limiting Planning Commission review to land use applications that required discretionary decisions. Commissioner Martin anticipated it would be harder for citizens to follow the process and the result might surprise them. Chair Babbitt and Commissioner Martin each indicated that the city had better parks when they had to be approved by the Commission in a public review; and that parks master plans were not specific enough. They did not agree with Mr. Kerr's assessment that the Parks and Open Space Master Plan were very specific.

Commissioner Martin suggested Mr. Kerr separate these proposals from the other proposals intended to improve economic development because they were not related. Mr. Kerr advised they were connected because both addressed inefficiency. He assured the Commissioners that when the Planning Director reviewed nondiscretionary decisions the process would include the same kind of notification and opportunity to comment and opportunity to appeal.

Mr. Kerr and the Commissioners discussed the value of having the Commission review proposals that required nondiscretionary decisions. He argued it cost more when the Commission did it and the result of the Planning Director making the decision by applying objective criteria would be the same. He said this was about balancing cost with results. Vice Chair Steel advised the value was transparency. People could feel that they could accept a

decision they had not wanted if they had an opportunity to share their opinion. She anticipated there would be a lot of resentment if people felt they had no opportunity for input.

2:06

The Commission took a short break and reconvened. The Commissioners observed what Mr. Kerr was going to propose would require a huge cultural shift. Mr. Kerr observed the community had already shifted during the past decade.

Mr. Kerr proposed to simplify the requirements related to neighborhood association/developer meetings and only require them for large-scale projects or items that required Planning Commission approval. The Commissioners had concerns about the changes. Ms. Thornton advised the notice would go out per public meetings law. She related that many people had asked her to clarify the code related to this procedure. Mr. Sonnen advised that the aspect of looking at large scale projects would not be consistent with recent resolution of neighborhood associations' concern about conflicting code related to notice for different sizes of development. Chair Babbitt counseled that the staff's verbal explanation made more sense than the written material, which gave people the wrong impression about what this change would do.

Commissioner Martin and Chair Babbitt each indicated that they thought the City Council supported the purpose of the project, but they did not think the Councilors would endorse the changes Mr. Kerr proposed. Mr. Kerr asked the Commissioners to tell him what changes in code and processes they thought would promote economic development.

Two proposals to allow more flexibility for modifications to an approved CUP and that specified that an approved Conditional Use was not subject to future non-conforming use requirements raised concerns. While Mr. Kerr explained they would make it easier for schools to make changes, Vice Chair Steel and Commissioner Martin were concerned how they would affect a water treatment plant expansion kind of situation. Mr. Kerr explained the flexibility was limited to very minor modifications. A larger change would trigger another full Conditional Use process. Mr. Sonnen, Mr. Kerr and Ms. Thornton discussed Mr. Kerr's reasoning that if something that had been built legally was nonconforming because the code had changed after the fact it was reasonable to consider it a legal, conforming, use after it got CUP approval. Then Ms. Thornton agreed the intent was actually what Mr. Sonnen described as current practice: If what was proposed did not increase the amount of nonconformance it would not trigger a requirement to retrofit to current code requirements.

Mr. Kerr discussed a proposed change in the Municipal Code. It provided that the staff would set committee agendas. That would ensure the committees were adequately staffed and everyone understood how what they were doing fit the bigger vision of the city. During this discussion he agreed to change the proposal so it was a joint staff/chair decision.

Several Commissioners were concerned about having a requirement that all applicants for City Commissions and Boards had to be in compliance with the Municipal Code and the CDC. They

felt it could serve as a way for the city to put pressure on them to vote a certain way if they opposed something staff wanted. Examples were that they might find that a board member's fence was not set back correctly or a retaining wall or stair railing might be determined to be too close to a property line when the board member was not aware of that. They questioned how this proposal was related to economic development; how staff came up with it; and if there had been a problem. Ms. Thornton recalled general conversation that members of boards and committees should be complying with the law and not be doing something they clearly knew was a violation of the law. She did not know if it was a problem. Mr. Kerr offered to look into the intent.

Mr. Sonnen advised that the proposal to amend the code to clarify circumstances in which poultry was allowed was a policy choice and might be outside the scope of the project.

Mr. Kerr and Ms. Thornton advised that the Planning Commission round table discussions (polling) prior to a motion used more staffing resources; put the city at risk on appeal; and was a slower and unusual practice when compared with other cities. The related proposal was for the Commission to adopt City Council rules. Commissioner Martin and Chair Babbitt held that polling was a more efficient way to get to consensus prior to a motion. It gave Commissioners more time to share and think about a decision so the result was better and more defensible. When Mr. Kerr asked for suggestions about what the Commission could do to be more efficient the Commissioners suggested shorter staff reports and presentations and better commissioner training regarding the scope of a hearing and focusing on the applicable criteria.

3:02

Chair Babbitt referred to the proposals to move stormwater regulations and design standards for parking lots from the CDC to Public Works Design Standards. He would keep them in the CDC because it was the Planning Commission's road map regarding process and criteria. It was in the city's best interest to keep them there. In administrative documents they would not be as accessible or transparent and the administrative rules could easily be changed.

Commissioner Martin referred to proposals to remove the requirements for boards and neighborhood associations to meet at specific intervals and only meet when necessary. He and Chair Babbitt were concerned that these would allow staff to control the agenda. Mr. Kerr offered to tweak the language to call for a joint staff/committee determination. Chair Babbitt reasoned that the value of the Planning Commission taking time to do its work was that the vetting provided by the Commission enabled the City Council to get through it more efficiently.

Commissioner Martin and Chair Babbitt expressed concern about the accelerated schedule. Mr. Kerr indicated he was confident he could draft the code amendments per the schedule the City Council had approved. The City Council was to hear it in September.

Mr. Sonnen clarified the Planning Commission had up to 60 days to make a recommendation, and during that period they could have as many work sessions as necessary.

Chair Babbitt cautioned that the proposal to address improvements and efficiencies went too far. In the past a lack of transparency had resulted in a previous council and city manager being booted out. Mr. Kerr talked about balance and tradeoffs. He asked the Commissioners to help him find balance. He did not consider any of the proposed changes to be egregious or reduce citizen involvement. He stressed that no rezoning or density increase was proposed. Commissioners cautioned that citizen involvement was important. The city was still building trust that had been lost. It would not help to rush this process. Commissioner Axelrod asked the staff not to bring the proposal back in its current form. He suggested economic development might not be citizens' number one priority as West Linn was a bedroom community. He wanted to hear whether the City Council believed the proposal met the overall objectives of efficiency and economic development. He asked for more information about aspects such as what the economic viability of West Linn was; how the changes would affect it; and what a hotel would mean.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Commissioner Miller had emailed that Bolton Village had put up 'No Parking' signs again. Mr. Sonnen offer to look into it. Mr. Sonnen offered to look into a street extension related to a park that Commissioner Martin inquired about.

ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT

Chair Babbitt suggested holding a CCI work session to review the citizen involvement aspects of the Cut the red tape project.

ITEMS OF INTEREST FROM STAFF

Mr. Sonnen advised that the Commissioners' digital tablets had been purchased.

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at approximately 10:15 p.m.

APPROVED:



Michael Babbitt, Chair

9-4-13

Date