

**WOODBURN PLANNING COMMISSION MEETING MINUTES**  
**October 23, 2008**

**CONVENED** The Planning Commission met in a regular session at 7:00 p.m. in City Hall Council Chambers with Chairperson Lima presiding.

Commissioner Jennings led the salute to the flag and announced that the Planning Commission Meeting would not be videotaped or broadcast.

Chairperson Lima questioned members of the Planning Commission having potential conflicts such as family, financial, or business relationship with regard to the meeting. If such a potential conflict exists, he asked whether the commissioner in question believes he or she is without actual bias or whether he or she would like to step down from the Planning Commission during the meeting. There were none.

Chairperson Lima announced that the agenda is available at the back of the room. We will consider items one at a time according to the order listed in the agenda. The Planning Commission Meeting would be treated as a workshop. All persons wishing to speak are welcome to speak at any point in time without going to the podium.

**ROLL CALL**

<b>Chairperson</b>	<b>Lima</b>	<b>P</b>
<b>Vice Chairperson</b>	<b>Bandelow</b>	<b>P</b>
<b>Commissioner</b>	<b>GrosJacques</b>	<b>P</b>
<b>Commissioner</b>	<b>Vancil</b>	<b>P</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>A</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>P</b>
<b>Commissioner</b>	<b>Jennings</b>	<b>P</b>

Staff Present: Scott Derickson – City Administrator  
Terrie Stevens – Assistant City Administrator  
Natalie Labossiere – Interim Community Development Director  
Bob Shields – City Attorney  
Jon Stewart – Assistant City Administrator  
Carrie Brennecke – Associate Planner  
Don Dolenc – Associate Planner  
Sasha Sprauer – Administrative Assistant

**MINUTES**

- A. Woodburn Planning Commission Meeting Minutes of September 11, 2008. Commissioner Jennings moved to accept the minutes. Commissioner Vancil seconded the motion, which unanimously carried.

**BUSINESS FROM THE AUDIENCE**

None.

## **COMMUNICATIONS**

- A. Woodburn City Council Meeting Minutes of August 11, 2008
- B. Executive Session Woodburn City Council Meeting Minutes of August 14, 2008
- C. Special Woodburn City Council Meeting Minutes of August 14, 2008
- D. Special Woodburn City Council Meeting Minutes of August 25, 2008
- E. Special Woodburn City Council Meeting Minutes of August 28, 2008
- F. Woodburn City Council Meeting Minutes of September 8, 2008

No comments were made.

## **DISCUSSION ITEMS**

- A. New City Administrator, Scott Derickson

City Administrator Derickson greeted the Planning Commissioners, staff, and audience. He stated that he would like to provide the Planning Division with tools to succeed, and a focus on the future. Derickson discussed the vacancy of the Community Development Director, and explained that he would like a director with technical skills and who is customer service oriented. He would like the Planning Commission and a community panel to aid in the recruitment of the director.

There was discussion with regards to past concerns and the future direction of the city.

City Administrator Derickson stated that the city must follow and uphold the law, and use discretion when possible. Extensive conditions must be eliminated.

Chairperson Lima stated that the Planning Commission is concerned with staff turnover.

There was discussion with regards to a missing list of items that need to be addressed in the Woodburn Development Ordinance.

City Administrator Derickson stated that he would like the new Community Development Director to assess the organization and evaluate the level of capacity, the types of tools available, and create a prioritized plan to accomplish the goal of the community. He would like to know what type of director the Planning Commission needs in order to be successful.

Commissioner Vancil stated that he would like a project's issues to be worked out with staff prior to reaching the Planning Commission. The Planning Commission should review the city's vision instead of legality, and return to a philosophical base.

City Administrator Derickson explained that the city must work within a legal framework. Staff should be open to discretionary areas that allow projects to move forward and comply with law.

Commissioner Jennings stated that the Planning Commission often needs representation from Public Works at their meetings. Decisions have been delayed and/or made incorrectly without their expertise.

Chairperson Lima asked for City Administrator Derickson to give a brief overview of his career history.

City Administrator Derickson described the various positions that he held: County Manager of Clatsop County, OR; City Manager of Warrenton, OR; Umpqua Regional Council of Governments; Economic Development Planner with the City of Venita, OR; Student at the University of Oregon.

Commissioner Jennings suggested that the Planning Commission and City Council have a joint workshop.

City Administrator Derickson suggested that an annual joint meeting should be held after the new Community Development Director is hired.

There was discussion with regards to the processes that projects must follow, and when discretion can be used. A new list of WDO issues should be created. Revisions to the WDO should be considered to prevent the need for variances in situations where variances are always granted.

City Administrator Derickson stated that it is difficult and expensive to change the WDO.

Vice Chairperson Bandelow explained that there are two types of applicants, the professional and the average person. The average person does not understand why exceptions cannot be granted, and why the process often prevents “common sense” from happening. Staff should present themselves as approachable and willing to listen, and then explain the process.

#### B. Planning Commission Workshop – Conditions of Approvals

Interim Community Development Director Labossiere began the Conditions of Approval Workshop by reviewing the city’s current application process through a slideshow. She presented each slide and explained the process of Type I, II, and III applications.

Commissioner Jennings asked if applicants receive a packet of information that explains the steps they must go through at the pre-application meeting.

Interim Community Development Director Labossiere answered yes.

There was discussion with regards to the timeframe of the application process. The 30-day clock begins once the application has been submitted. The 180-day clock begins if the application is deemed incomplete. The 120-day clock begins if the application is deemed complete.

Planning Commission also discussed the interaction that needs to take place between staff and the applicant to complete the application.

Vice Chairperson Bandelow suggested that staff separate the conditions of approval as standard versus unique.

City Attorney Shields explained that Oregon land use mandates that 120-days after the application has been deemed complete, a final order must be made. If a city exceeds 120 days, the applicant can appeal to the circuit court for forced approval of the project. The city must pay the owner’s attorney fees. A Special Meeting can occur to reach a final order when a project is nearing 120-days.

Commissioner Vancil asked if a final order must be made within 120-days if the project is called up by City Council.

Interim Community Development Director Labossiere answered yes. City Council's Public Hearing must fall within the 120-days.

There was discussion in regards to the communication that should occur between staff and Planning Commission when a project has been called up by City Council. Planning Commission may testify at City Council Public Hearings.

City Administrator Derickson suggested that staff provide the Application Process Diagrams to applicants prior to submittal.

There was discussion about whether there is flexibility in nondiscretionary items and differences in interpretation.

Interim Community Development Director Labossiere explained that an applicant cannot deviate from a standard without a variance or a zoning adjustment.

City Administrator Derickson stated that law must be applied consistently.

City Attorney Shields stated that interpretation must be reasonable.

There was discussion in regards to when an applicant must apply for a variance versus a zoning adjustment.

Interim Community Development Director Labossiere suggested that staff can include a memo of the Type II projects have been approved in the Planning Commission packets.

There was discussion in regards to "shoulds" versus "shalls".

City Attorney Shields stated that "should" is discretionary, and "shall" is mandatory. Items that use "should" are not conditions of approval.

Vice Chairperson Bandelow stated that when the Woodburn Development Ordinance uses "should", but staff determines that they would like the item to be a requirement and uses "shall", Planning Commission has the discretion to return the item to a should, and remove the item as a condition of approval.

There was discussion in regards to applicable and non-applicable guideline requirements. Explanations of each condition of approval will be addressed in the staff report's analysis section.

Interim Community Development Director Labossiere asked if there were any other topics Planning Commission would like to have a workshop on.

Commissioner Jennings asked why the city must address the State's requirements in the staff report.

Interim Community Development Director Labossiere explained that State requirements are included in staff reports for informational purposes to the applicant.

Commissioner Vancil suggested that Planning Commission have a workshop over the Traffic Improvement Project on city streets.

Commissioner Jennings suggested that the focus group continue to work on Planning Commission issues. It should be enlarged from three members to five members, to provide a variety of opinions.

City Attorney Shields presented the condition of approval worksheet and explained applicable statues and various cases.

The applicant must be able to comply with the conditions of approval. If a project includes a condition of approval that cannot be legally met, the final decision should be a denial.

The Fifth Amendment requires just compensation for property. An "essential nexus" must exist; the state interest and the permit condition must be related to each other. An extraction must be roughly proportional to the impact of the development.

There was discussion about proportionality problems of past projects.

Commissioner Jennings asked how the Planning Commission can calculate proportionality.

City Attorney Shields stated that staff will indicate proportionality in the findings section of the staff report.

City Administrator Derickson stated that TRIPP tests can be used to find traffic related proportionality.

Associate Planner Don Dolenc stated that the developer sometimes proposes an impact estimation range, and the city can use several methods of analysis to assess to where, or if, the proposal is appropriate. Staff and developer can work together to decide a lineage.

There was discussion in regards to the length and complexity of reports. The city needs to explain to their citizens that Highway 214 and North Pacific Highway are in the State's jurisdiction (ODOT).

## **REPORTS**

No comments.

## **BUSINESS FROM THE COMMISSION**

Commissioner Jennings thanked staff for the workshop.

Chairperson Lima announced his resignation as Planning Commission Chairperson.

## **ADJOURNMENT**

Commissioner Jennings moved to adjourn the meeting, Commissioner Grosjacques seconded the motion, which unanimously carried. Meeting adjourned at 9:20 pm.

APPROVED \_\_\_\_\_  
ELLEN BANDELOW, VICE-CHAIRPERSON      Date

ATTEST \_\_\_\_\_  
Natalie Labossiere      Date  
Interim Community Development Director  
City of Woodburn, Oregon