



Planning Commission Minutes

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note the public testimony may be limited by the Chair.

July 11, 2023
REGULAR MEETING
Minutes

I. CALL TO ORDER:

Chair Verner called the meeting to order at 7:00 p.m. at the Civic Center Council Chambers, 1175 E. Main Street.

Commissioners Present:

Lisa Verner
Kerry KenCairn
Doug Knauer
Eric Herron
Gregory Perkinson
Russell Phillips
Susan MacCracken Jain

Staff Present:

Brandon Goldman, Community Development Director
Derek Severson, Planning Manager
Michael Sullivan, Executive Assistant

Absent Members:

Council Liaison:

Paula Hyatt

II. ANNOUNCEMENTS

Community Development Director Brandon Goldman made the following announcement:

- The City Council is holding a retreat on July 17, 2023, where they will discuss the role of Advisory Committees, as well as an overview of master plans regarding the future development of the southeast portion of the City.

III. CONSENT AGENDA

A. Approval of Minutes

1. June 16, 2023, Regular Meeting

Commissioner MacCracken Jain noted a non-substantive grammatical correction to page 5 of the minutes.

Commissioners Perkinson/KenCairn m/s to approve the consent agenda with a correction. Voice Vote: All AYES. Motion passed 7-0.

IV. PUBLIC FORUM - None





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V. **OTHER BUSINESS**

A. **Oregon's Land Use Planning Program**

Mr. Goldman gave a brief background on Planning in Oregon, starting in 1973 with Oregon Senate Bill 100, also known as the Oregon Land Use Act. This established a comprehensive land use planning program in the state, and was aimed at protecting the state's natural resources, and marked a significant shift in Oregon's land use planning. Mr. Goldman detailed Oregon's 19 Statewide Land Use Planning Goals, but noted that only the first 14 goals apply to the City. He noted several key components of Oregon's Land Use Program, including; the establishment of goal-based planning; statewide planning goals; the establishment of Urban Growth Boundaries (UGBs); citizen involvement; economic development; providing for housing development to meet the needs of the population; and the integration of transportation systems (see attachment #1).

Discussion

Commissioner Knauer requested clarification regarding local and state guidelines over land use. Mr. Goldman responded that local governments could pass ordinances are still required to meet statewide goals. States can find that a city is not meeting certain goals, but cities are given a level of discretion based on their specific needs. Mr. Goldman noted that there has been a recent shift from the state handing down statewide requirements that will override local decisions, such as the elimination of parking requirements for new developments.

Councilor Hyatt asked staff what prohibited the City from expanding its UGB line. Mr. Goldman responded that these limits fall under the statewide goals, and that each city is required to identify its population growth per year. Using this figure, the City is expected to have enough land to accommodate its predicted population growth until 2041. Mr. Severson added that the City had committed to using its available land before increasing its UGB. The Commission discussed how population growth is calculated by Portland State University. Commissioner KenCairn asked why properties off of East Main Street had not been annexed into the City yet. Mr. Goldman responded that all annexed properties need to be adjacent to the City Limits, and that one of the greatest obstacles to annexation is the properties' lack of access to City utilities. The Commission briefly discussed the process for annexing land into the City.

o **Decision Making & Meeting Procedure**

Mr. Severson spoke to the difference between the different types of permits that the Planning Division reviews, focusing on those that do not go before the Commission. These include permits for food trucks, fences, signs, and Land Use Compliance Statements, and are completed by planners





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provided the applications meet requirements. Mr. Goldman informed the Commission that preapplications are required before any land use decisions are made, and must be submitted six months before development begins. A conference is scheduled between staff and the applicants two weeks after the application is received, allowing time for comments to be submitted by City departments and any issues to be raised with the applicant prior to them submitting an application. Mr. Goldman noted that preapplications are a conceptual process where staff can warn an applicant if their submittal is unviable or if revisions should be made.

Mr. Goldman briefly described the differences between Type I, Type II, and Type III planning actions. He stated that Type I planning actions are reviewed by staff only, and are only seen by the Commission if they get appealed. The City is required to make a final decision 120 days after the application is determined to be complete, including time for any appeals made, though the applicant can opt to extend the decision period past 120 days.

Commissioner Knauer asked if staff had ever reviewed their noticing distance of 200ft around the subject property of a planning action. Mr. Goldman responded that the state guideline is 100ft from the subject property, so the City has doubled this noticing area in order to garner maximum feedback from potentially affected parties.

Mr. Severson detailed how Type II applications require approval from the Commission before findings are approved and adopted, provided no participating parties appeal the decision. He described how the Commission is required to either Continue a Public Hearing or to leave the Record open for at least seven days if a party requests it. These extensions take place within the 120-day decision period, so staff must remain aware of this when scheduling reviews by the Commission. Chair Verner asked if the Commission has the ability to schedule an additional meeting if under a time constraint to review an application. Mr. Severson responded that the City needs to adhere to noticing requirements, which would make adding impromptu meetings difficult. Commissioner Knauer asked if the 120-day approval period is definitive. Mr. Goldman responded that it can be extended up to 365 days with the explicit approval from the applicant.

Mr. Severson stated that Type III planning actions are items that require ordinance changes, such as the Grand Terrace annexation, and also require noticing to the Department of Land Conservation and Development (DLCD). These items receive a recommendation from the Commission, with the Council making the final determination.

Mr. Severson stated that parties can appeal a decision to the Land Use Board of Appeals (LUBA), which can affirm, remand, or reverse a decision back to the City. If remanded, the City has 120 days to address the issues for which it was remanded. Chair Verner asked how many times an application can be appealed to LUBA, and Mr. Severson responded that any appeal must be limited to issues from the most recent application. The Commission discussed the recent remand of the Grand





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Terrace annexation at 1511 Highway 99 North, which was remanded on two main issues. The Commission will have a limited Public Hearing to address those remand issues at its August 8, 2023 meeting.

- **Public Meeting Law**

Mr. Goldman informed the Commission that Public Meeting Law (PML) applies to all public governing bodies with the authority to render decisions on policy or administration. All public meetings are open to the public unless an executive session is authorized. Notices are provided to all interested parties, minutes are taken for the meeting, and all votes are cast publicly. The City issues public notices to the Ashland News to inform the community of all upcoming meetings. Mr. Goldman stated that all meetings between members of the governing body must comply with PML, including in-person meetings, group emails or communications, lunch meetings, or phone calls. Staff recommended that Commissioners not meet in person outside of an established meeting, even if they would not have a quorum.

Mr. Goldman described how the Oregon Government Ethics Law applies to all public officials or those serving the state of Oregon, whether they be paid or not. These ethics standards are particularly important during elections, as no official can advocate for or against any candidate or position in their official capacity.

Mr. Goldman briefly defined a conflict of interest, whether it be actual or potential. He stated that an actual conflict of interest is one where any action, decision, or recommendation by a person acting in an official capacity would gain from a decision made by that official. An official must announce this conflict publicly and recuse themselves. A potential conflict of interest is one that could provide a tangential benefit to the official, such as a review of a planning action that involves a friend or family member. An official is not necessarily required to recuse themselves from such a decision, but must publicly announce the conflict of interest. Councilor Hyatt suggested that any Commissioner who believes they have a conflict of interest contact the City Attorney prior to the meeting.

B. Discussion of City Council and Planning Commission Coordination

Mr. Goldman began by emphasizing the importance of having a Commissioner present at Council meetings where a planning action that the Commission made a recommendation on is being reviewed. He stated that the Council values the opinion of the Commission, and weighs its recommendation greatly. He informed the Commission that Commissioner Knauer had attended a number of Council meetings as a private citizen, similar to the late Michael Dawkins who attended Council meetings as a de facto liaison. The Commission discussed designating a member of the





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Commission as one who could attend all Council meetings where an item that was previously reviewed by the Commission will be discussed (see attachment #2).

Commissioner Knauer asked what the Commission's role will be in regards to the Croman Mill Site project. Councilor Hyatt stated that the Council will be garnering feedback from as many advisory bodies as possible, and that Council relies of the Commission's recommendations when making decisions, particularly for appeals. She commented that the Croman Mill Site project is in a nebulous state because no application has been submitted yet, but that it will go through all proper procedures once one has been submitted.

Commissioner MacCracken Jain if the liaison position is formalized, Mr. Goldman responded that the liaison is an official role but does not have a vote on the Commission. Councilor Hyatt commented that she will publicly announce any prior knowledge if the Council will be reviewing an item that was previously seen by the Commission, but that all Commission meetings are open to the Council to view.

VI. OPEN DISCUSSION

Mr. Goldman announced that the Department of Environmental Quality (DEQ) will be providing preliminary results on July 31, 2023 from their tests of the Croman Mill Site. The site will need to undergo a cleanup before development can begin. The Commission discussed the Croman Mill Site development, and Mr. Goldman announced that Townmakers, LLC will be providing an update to the Commission at its July 25, 2023 Study Session.

Commissioner MacCracken Jain asked if the Commission has any directive to work with the Transportation Advisory Committee (TAC), and if there were opportunities for better coordination between bodies. Councilor Hyatt stated that there is an intersection between land use and transportation, but that a planning action also needing to go before the TAC could result in the application going beyond its 120-day review period. Mr. Goldman pointed out that the TAC does provide recommendations to the Commission. Mr. Severson added that the City's Public Works Department will be developing a new transportation plan to coincide with the Climate Friendly and Equitable Communities guidelines, which the Commission will be involved in.

VII. ADJOURNMENT

Meeting adjourned at 8:47 p.m.

*Submitted by,
Michael Sullivan, Executive Assistant*