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PLANNING COMMISSION MEETING MINUTES

Monday, January 27, 2020, 6:30 p.m.
Garibaldi Meeting Hall

REGULAR PLANNING COMMISSION MEETING

I. PLEDGE OF ALLEGINCE

II. CALL TO ORDER

Interim Chair Nat Findling called the meeting to order at 6:40 p.m. Also present were Commissioners Karna Inman, and Christie Zerfing, and City Manager Geoff Wullschlager

III. PUBLIC HEARING - Noting Scheduled

IV. CONSENT CALENDAR

A. Approval of Minutes – November 25, 2019 Planning Commission Workshop Meeting. No additions or deletions to the minutes. City Manager Wullschlager answered audience questions regarding what the minutes reflected; in the November meeting.

B. Interim Chair Nathan Findling entertained a public comment from Mark Payne regarding an item in the minutes from November that discussed what the Planning Commission would require when an application is submitted for a public hearing. He also discussed an item 2.a. from the October minutes, that discussed what the City would require for an application before the City Council for public hearing. City Manager Wullschlager clarified that whomever prepares the staff report has the discretion to make recommendations on a case by case basis in measuring an application against the criteria. Mark Payne and Starr Popplewell asked why there wasn't more specificity in what reports would or would not be required by the City in a staff report. City Manager Wullschlager replied by stating that:

1. The minutes reflect what was said.
2. In the conditional use process, the intent is to build efficiency into the project for the applicant, and therefore preliminary reports are generally acceptable. He then went on to say that the statement was made to show that the City can use discretion, but given the legal precedent submitted in testimony on a past conditional use application it would be a best practice to ensure that an applicant either submit a complete report up front or that the Planning Commission extend a public hearing until an applicant submits any full report supporting their application to thus give the public an opportunity to view an application in full.

Interim Chair Nathan Findling wanted to add item g. Discussion of Citizens Advisory Commission to the agenda. This was intended to discuss who from the Planning Commission might want to serve on the Citizens Advisory Committee. *The Commission voted to approve the minutes at the end of the meeting, with Commissioner Zerfing making the motion to approve as presented, seconded by Commissioner Inman, three Aye's, zero nay's, minutes approved as presented.*

V.GUESTS – None Scheduled

VI.PUBLIC COMMENT

Starr Popplewell - (Desk Manual): Stated that the desk manual has not been provided as asked for by her in October to the Planning Commission. The Commission replied that they have been provided with a hard copy of the Zoning Ordinance (desk manual) by City Administration.

Starr Popplewell - (Packet Distribution): She stated that she would like the Planning Commission to make a motion to instruct the City Manager to have the packets available the Monday before (7 days) the scheduled Planning Commission meetings. City Manager Wullschlager stated that it was brought up at a previous meeting and that the public and the Planning Commission should have more time to review the packet. It was then suggested that Manager Wullschlager bring it to the Council. He stated that what was being provided is what was being asked for; that it be provided on several business days for review over the weekend. Interim Chair Findling stated that he would like the packets sooner. Chair Findling also stated that the City Manager now has four committees to prepare packets for. Manager Wullschlager stated that now that he has four committees to prepare meetings for, this will generally take a week of work time each month, and thus other things will be impacted. Manager Wullschlager stated that it was introduced in his Manager's report to the City Council. Planning Commissioner Zerfing offered that five days would work for her. The rest of the Planning Commission wanted seven days. Manager Wullschlager offered that the CAC will likely have multiple meetings each month as well, which he stated will be onerous.

Citizen Paul Daniel's asked if the seven-day window would cause a conflict for the City Manager, wherein he would be focused on creating the Planning Commission packet on the day of the City Council each month. It was generally agreed that this might cause a problem.

Starr Popplewell - (Commissioner Training): Ms. Popplewell stated that by not allowing the citizenry to participate in the proposed training, the Planning Commission and the City would be in violation of Page 4., Chapter 2. of the Comprehensive Plan, and Goal 1. of the DLCD statewide planning goals. She went on to state that if the Planning Commission can't find a training that the public can participate in, the Planning Commission should find a different training platform. City Manager Wullschlager stated that the reason the training cannot be made public is that due to the provider, the American Planning Association, the online training can only be purchased for individual users and it mandates that any user not present it in a public format, which would violate copyright laws of the material. Wullschlager also stated that this training was selected as it is from the best source of information, the APA, and that Commissioners using it would not be violating meetings laws, nor denying the public participation in the public process as they would individually be participating and

could utilize the format at their leisure. Wullschlager also stated that this is not different than other elements of board training currently used by the City such as League of Oregon Cities meetings and programs attended by the Council in which the public is not included. Wullschlager went on to say that he could find another format at the direction of the Planning Commission, but reiterated that this would be the best tool for individual Commissioner's to use given that it was prepared specifically for Commissioner training by the APA, and allows individuals to go at their own pace. Ms. Popplewell stated that she would like to see what the Commissioners are being given. Interim Commissioner Findling said that the Commission would look for alternatives and that the City would contact the APA to see if there is any way to purchase bulk access to the material.

Starr Popplewell - (Planning Commission Goal Setting): Ms. Popplewell stated that 2.2.0 - 2.2.90 (presumably the sections of the Garibaldi Charter) already gives the Planning Commission their goals, and that the establishment of any new goals may override the Comprehensive Plan, or the Municipal Code.

Starr Popplewell - (By-laws) Ms. Popplewell stated that the creation of By-laws for the Planning Commission is not needed as everything the Planning Commission needs is in GMC. 2.20 with respect to guidance. City Manager Wullschlager stated that the creation of By-laws does not create new language that explicitly holds the force of law.

Starr Popplewell - (Park Plan): Ms. Popplewell stated that the Planning Commission shouldn't waste their time working on something of this nature, instead they should reference Chapter 5. of the Garibaldi Comprehensive, Plan Recreation and Open Space Resources, stating that goals, assessment needs and action plans are already in place.

City Manager Wullschlager stated that with respect to goal setting, the Planning Commission used to only operate in a reactive stature, to submitted applications. He went on to state that as the Planning Commission as stated in Goral 1. of the Oregon Statewide Land Use Planning Goals is the citizens involvement committee, and holding that the Planning Commission has expressed an interest in being a more proactive body in land use policy within the City, Commissioner Findling had appealed to the City Manager in the potentiality of the Commission developing non-binding goals for the board. He went on to state that therefore the Planning Commission has been holding workshops when there is no new or old business before the body. He further stated, that while GMC, section 2.20 does outline the rules of the Planning Commission, there is nothing wrong with the body developing targets or concepts that are aspirational, such as a parks, green space, or trail plans. It was also shared that none of these concepts conflict with state law, or other mandates, they just provide further consideration and planning.

Manager Wullschlager further stated that with respect to by-laws, the reason this was suggested is that the Planning Commission currently has no vice chair, and therefore there is no designee to run meetings or hearings in the absence of the chair for better consistency within the body. He also stated that by-laws can be written so long as they are not in conflict with state statute, city charter, or other ordinances.

In closing, Manager Wullschlager stated that it is good to have a parks plan, or other plans that are aspirational on the shelf as these allow the City to access grant funds when action is taken to develop these amenities. It was also shared that the Comprehensive Plan does not provide this kind of access, or road map for public

development on its own. Granting agencies want to see specific concepts thought out before funds are granted for these types of projects. It was mentioned that this was included in the agenda at the wish of members of the Planning Commission, and very strong interest from the Port of Garibaldi.

Ms. Popplewell stated that if anyone present would read GMC 2.20, they would see that it mirrors the "by-laws" submitted for context from the City of Wheeler, and therefore we don't need them. Manager Wullschlager re-iterated that as of current the Planning Commission of Garibaldi's codified policies differ though, in that the body does not have a Vice Chair as the City of Wheeler does, and this is the reason for suggesting it. Ms. Popplewell went on to state that "by-laws" by their name suggest that there could be other laws that negate what the Planning Commission must follow for process. Manager Wullschlager responded that they don't initially have the force of law, and that they cannot conflict with current ordinances or the City Charter. They are proposed to help the Planning Commission in steering their efforts and processes. Commissioner Inman clarified that any new addition of rules or processes would have to be discussed in a public hearing, and then they could be codified under ordinance by the Planning Commission and City Council which would also require public input, process, and notice requirements.

Ms. Popplwell asked if all the items were being decided upon at the meeting, to which the Commission replied that they are just discussion topics/items.

VII. PRESENTATIONS: - Nothing Scheduled

VIII. CORRESPONDENCE:

- A. Laurie Wandell (No date) - Conditional Use Permit CU-2019-02 of 08-29-19.....12.

Interim Commissioner Findling asked if anyone wanted the correspondence read into the record. Manager Wullschlager responded by stating that it the letter was already in the record, and that it references and application that the Planning Commission is already very familiar with and is one that is no longer active. Manager Wullschlager stated that he believed it had been submitted to the Planning Commission before, but he received it with a request to place it in this month's packet. He went on to state that for the benefit of those in attendance, the letter states that from the writer's perspective, the application that had been pulled was not in conformance with the Garibaldi Comprehensive Plan.

IX. OLD BUSINESS: - None

X. NEW BUSINESS:

- A. Chairperson Discussion

Interim Chair Findling asked who the Commission thought they might like to suggest to the Council for the Chair position. Manager Wullschlager stated for the good of the order that Chair Walters has stepped down, and Commissioner Zerfing will be resigning once a replacement has been designated. Manager Wullschlager thanked Commissioner Zerfing for her many years of commitment and contribution to the Planning Commission.

Manager Wullschlager counseled the Commission that it is in their best interest to suggest a nominee, to which Interim Chair Findling nominated Commissioner Inman, and Commissioner's Zerfing and Inman nominated Commissioner Findling. City Manager Wullschlager suggested that it is best to keep and Interim Chair for the time being while the process works itself out, and that it might be a best practice to wait until the City had a full Commission again, presumably following the February City Council meeting. He also stated that the Commission could hold a special meeting in early March to make this determination for recommendation to the City Council, prior to the regular March Planning Commission meeting. Commissioner Findling stated that if Commissioner Parker doesn't want the recommendation for Chair (as she was not present at the meeting), he will be happy to take it as stated by the rest of the Commission. Three Yea's for Commissioner Findling were recorded.

B. Goal Setting

Interim Chair Findling asked the Commission what they would like to do in 2020. City Manager Wullschlager clarified that this would in addition to quasi-judicial and quasi-legislative responsibilities of the Commission. Commissioner Findling wants to start a deeper dialogue with the Port and the County to keep them in the conversation of growth for the City. City Manager Wullschlager asked what action items they would like. Commissioner Findling stated that he would like to see quarterly meetings with the other bodies perhaps.

Commissioner Findling also wanted to keep up on what the Tourism Commission will be working on throughout the year with respect to any park or trail development. He would like there to be discussions with that body if through inter-commission communication. City Manager Wullschlager stated that while this can be done, he is the liaison between all the appointed and elected bodies which can assist in this transfer of information.

City Manager Wullschlager stated that the Planning Commission will also need to select a member of the Planning Commission to serve on the Citizens Advisory Committee which will meet during regular business hours if it does come into formation.

Commissioner Findling would like to see at least one submitted grant application on the part of the City for parks and trails within the next year. The question of the BLI/HNA and its part in this process was brought up by Starr Popplewell. City Manager Wullschlager stated that while these documents can assist in the process, the ones that are on the shelf are very out of date but will be updated with the revamping of the Comprehensive Plan. Manager Wullschlager reiterated the need for a park's plan to move applications up ranking orders for grant funds. He also restated the Port's interest in developing a historical trail, which the City has assisted with in the past through the City Engineer. Starr Popplewell stated that the City Engineer has a good success record in grant application. Manager Wullschlager concluded that a parks plan can be done independent of the Comprehensive Plan update.

City Manager Wullschlager stated that the list of goals does not have to be static, and it can be added to once the body has full participation.

Commissioner Zerfing asked if the City was going to update its zoning ordinances anytime in the next year. Manager Wullschlager stated that the Comprehensive Plan will have to be updated first before a review of the zoning code could be undertaken by DLCD.

Starr Popplewell asked how the Comprehensive plan interacts with the Zoning Code. Manager Wullschlager explained that while there are compulsory elements in a Comprehensive Plan, it is truly a 30,000 ft. document, meaning that it is guiding in large part, and the City typically refers to the zoning code for specifics, but that the two complement one another. Starr Popplewell stated that there are elements in the Comprehensive plan though that are specific law, to which City Manager Wullschlager agreed.

Commissioner Inman stated that she would like to see at least one presentation workshop a quarter that can inform the Commission and the public in attendance. Manager Wullschlager stated that this is a good idea as when he brought the idea to the Commission of being more pro-active, it was the intent to bring the public further into the fold of understanding land use within the Community.

C. By laws

Manager Wullschlager stated that the Planning Commission could create by-laws which could be ordained by the Council if there was anything they wanted to amend within the GMC 2.20. Interim Commission Chair stated that he would like to table this for the moment with the intent to return back to the discussion at a later date. Manager Wullschlager responded to a question from Starr Popplewell defining the two processes the Commission could do to achieve this; through either repealing the old ordaining language or amending it. He suggested that it is much simple to amend the old ordinances.

D. Commissioner Training

Interim Commission Chair Findling reiterated that the city will seek out alternative training platforms in hopes that it can be a public meeting process. He also stated that the City of Bend may have some items to share as they have a robust planning process.

E. Citizens Advisory Committee

Interim Commission Chair Findling deferred on this item, but Manager Wullschlager stated that the selection process really belongs to the City Council when candidates are identified. Findling stated that he was referring to the Planning Commission liaison, and that the Commission would like to defer on this until they have full board membership

F. Trails & Parks

Interim Commission Chair Findling asked if the City Manager had anything that he wanted to bring up under this topic; Manager Wullschlager stated that he just wanted the Commission to review the attached plan from the City of Manzanita to get an idea of what a parks plan should look like.

Interim Commission Chair Findling thanked Commissioner Christy Zerfing for her six years of service on the Planning Commission and those in attendance offered appreciation and applause for her contributions.

XI.ADJOURNMENT

Interim Commission Chair Findling adjourned the meeting at 7:49 p.m.

Transcriber: Geoff Wullschlager



Chair: Nathan Findling


Attest: Geoff Wullschlager