

A joint work session of the Astoria Common Council, Historic Landmarks Commission, Design Review Committee, and Planning Commission was held at the above place at the hour of 6:00 pm.

Councilors Present: Mayor Jones, Councilors Brownson, Herman, Rocka, and West.

Historic Landmarks Commissioners Present: Jack Osterberg, Victoria Sage, Michelle Dieffenbach, Mac Burns, and Ian Sisson.

Design Review Commissioners Present: Bob Levine, Hilarie Phelps, and Ian Sisson.

Planning Commissioners Present: Sean Fitzpatrick, Daryl Moore, Cindy Price, Brookley Henri, and Pat Corcoran.

Staff Present: City Manager Estes, Planner Ferber, Parks and Recreation Director Williams, Finance Director Brooks, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

CHANGES TO THE AGENDA

There were none.

TRAINING ABOUT OREGON LAND USE SYSTEM WITH LISA PHIPPS OF THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT AND THE CITY ATTORNEY

City Manager Estes provided a brief introduction about the training and the Department of Land Conservation and Development (DLCD).

Lisa Phipps, DLCD North Coast Regional Representative, shared background information on her personal and professional experiences. She gave a PowerPoint presentation covering the history of land use in Oregon, the roles and responsibilities of the State and local governments, her role as Astoria's representative, conflicts of interest and ex parte contacts, public notice requirements, the public hearing process, the difference between quasi-judicial and legislative hearings, how to apply applicable criteria to a request, how to ensure meetings are accessible to as many people as possible, how to address the public's concerns, how to prepare findings that support a decision, and how to apply conditions of approval appropriately.

During the presentation, Ms. Phipps, Staff, the Councilors and Commissioners discussed the information provided with the following key comments:

- Bias could be and is often perceived as a conflict of interest. However, bias only applies to quasi-judicial hearings, not legislative hearings. Councilors and Commissioners do not have to recuse themselves, but must state their bias, declare they can judge based on the facts of the case, and allow others to ask questions.
- Each application must be considered on its own merit; therefore Planning Commission decisions do not set a precedent. Conditional uses are site specific, but many times similar cases with similar facts will be used to make an argument because a previous decision has been perceived as a precedent. Applicants will also use examples of how a Commission has interpreted the Code in the past. Variances are also likely to be used by an applicant, which can be problematic. A variance is a request to do something the Code does not allow, so, Commissions should be very thoughtful of these requests and findings need to be very clear.
 - Interpretation of height measurement criteria is always an issue, but this does not mean the Code language can be reexamined by a Commission or Council to come up with a new interpretation. Good findings are necessary in case of an appeal. All decisions and conclusions must be defensible and considered reasonable.
- Ordinances implement the Comprehensive Plan, so the two must be consistent with each other. Even if the Comprehensive Plan does not reflect the public's opinion, the ordinances must be used as the mechanism for change, not the Comprehensive Plan.

- If a Commission feels it might be going in another direction, the City should make sure their DLCD representative is aware so that DLCD can work with City on appropriate interpretations of intents, goals, and Code language. The State has jurisdiction over cities and counties. If a decision is appealed to the DLCD, it is most likely because the local jurisdiction stepped outside of its bounds.
- The process to amend the Development Code and Comprehensive Plan was explained in detail. The State does not impose a timeline, but DLCD does need to be informed when changes have been made. DLCD oversees the City's public notice process and serves as an advocate when local jurisdictions are amending their codes. Staff provided the details of the City's timeline and noticing requirements. The simplest amendments take five to six months and major amendments always take at least a year. Code and Plan amendments require the persistent dedication of Staff because the Development Code criteria must be clear and objective so that applicants can satisfy the criteria. There is also a lot of public participation in the amendment process. Staff shared information about Astoria's current efforts to clean up the Code, implement City Council's goal to adopt a homestay lodging ordinance, and complete the Riverfront Vision Plan implementation.
- Limited land use decisions, typically made as part of design reviews and historic reviews, needed the clearest and most objective standards. Additionally, conditional uses and variances usually contained subjective clauses when no other options or alternatives were available.
- Appeals to the City Council, which are de novo hearings, were briefly explained.

Ms. Phipps said she appreciated that so many people in the community were willing to be engaged and volunteer so much of their time. She encouraged Staff, City Council, the Commissions and the community to continue communicating and working together. She made handouts and pamphlets available and noted electronic copies could be obtained from Staff.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:23 pm.

ATTEST:



Finance Director

APPROVED:



City Manager