

BOARDMAN PLANNING COMMISSION MINUTES - REGULAR MEETING-NOVEMBER 16, 2022

Commission Chair Jacob Cain called the meeting to order at 7:00 p.m. He led the flag salute and asked for roll call:

Commissioners
in Attendance: Karla Jimenez, Sam Irons, Jennifer Leighton, and Jacob Cain (in person) and Ragna TenEyck (via Zoom)

Commissioners Absent: Zack Barresse- Excused and Ethan Salata-Unexcused

Staff: Carla McLane-Planning Official, Jackie McCauley-Acting Recorder, Karen Pettigrew-City Manager, and Rick Stokoe-Chief of Police/Assistant City Manager

Audience: None

APPROVAL OF MINUTES

October 19, 2022

Commissioner Irons made a motion to approved the minutes as presented. Commissioner Leighton seconded the motion. The motion passed 5-0.

DISCUSSION ITEMS

Planning Officials Report

Planning Official McLane reports:

- 110 Zoning Approvals have been issued this year. This does not include other land use applications, which would bring that total to over 120 for the year.
- The city is still looking for either a Senior Planner or a Planning Official. She made a six to nine month commitment to the city; nine months was yesterday.
- A land partition request has come in which will be a Type II decision. It will not need to come before the planning commission. She anticipates another land partition coming in also.
- A variance request came in from a developer on a single-family dwelling. They were, again, within the setbacks. She and the building official will continue to work with developers to prevent this from happening in the future.
- The Maughan property on South Main Street potentially has land use happening.
- An application for a manufactured home park came in, but was deemed incomplete; more required material needs to be submitted before the application is accepted. This would then come before the planning commission in a hearing.
- Commissioner Jimenez has emailed she will not be able to serve another term on the planning commission. On December 31, 2022 three terms are up: Jacob Cain, Karla Jimenez and Jennifer Leighton. Planning Official McLane is sorry to see Commissioner Jimenez leave and is hopeful the other two commissioner want to continue to serve. If any commissioner knows of someone who would like to serve on the planning commission, they are to let Planning Official McLane know.

Public Hearings – a Review of the Process

Planning Official McLane reviewed sections of both the Boardman Municipal Code and the Boardman Development Code. Some of the language in the municipal code does not accurately reflect how the planning commission has been functioning, such as the municipal code says there is a president and vice president; currently the planning commission has a chair and a vice chair. The municipal code also states at the first meeting of the year, the planning commission elects a secretary; the city provides staff to fulfill that position. These are the codes that need to be changed or the planning commission should function under the existing code.

The development code has language on how to conduct a public hearing. Commission Chair Cain said he likes the way the Morrow County Planning Commission states their hearings. Planning Official McLane will work on a new hearing script to use in future hearings based upon the development code. There are statements required to be said at the hearing. Planning Official McLane explained how to continue a hearing and why its important to state the date the hearing is continued to in order to avoid re-noticing the hearing. She said the chair should clarify at the hearing if the public testimony is closed and if the written testimony is still open or not.

Planning Official McLane explained what conflict of interest and ex parte contact means. She feels if a commissioner recuses themselves from a decision, they should leave the dais and sit in the audience.

Planning Official McLane explained how a public hearing is conducted within a public meeting and the steps to follow to do so. She said the chair may set limits on testimony in certain circumstances. She said there is to be no more oral testimony after the close of public comment; only written testimony may be accepted, if written testimony has not also been closed.

Planning Official McLane said the code allow for commissioners to actually visit the subject property of a land use decision and may use the information obtained to support their decision. Commissioners will need to disclose this if they visit the property.

Planning Official McLane explained how the planning commission is to make a decision. The decision must be based upon the criteria and standards considered relevant to the decision. The public cannot oppose a project simply because they do not like the project. They, too, must speak only regarding the criteria and standards relevant to a decision. Planning Official McLane said motions should contain language stating what substantive criteria the decision is based upon. Likewise, if commissioners' motion to deny, they need to say what their decision is based upon. The reason to deny will be added to the record.

Planning Official McLane went over the decision process, including the forms of decisions, timelines, notices and effective date from the development code. Previously Commission Chair Cain was signing only the large projects decisions. He is now signing all decisions.

Planning Official McLane explained to the commission how it is not necessary to abstain from voting on meeting minutes if they were not present at the meeting the minutes were recorded from. The approval of minutes is a reflection of the business that took place. If a commissioner is uncertain, they may ask staff questions. She encourages commissioners if they have missed a meeting to read the draft minutes and watch the meeting video.

Training Topic

Planning Official McLane reviewed the information in the commissioners' binders. She encourages them to read the information as it speaks to how the planning commission functions. She will let the commissioners know when there is training in the region so they have the opportunity to attend.

Update of the Planning Documents

Planning Official McLane asked the commissioners where they would like to start on updating planning code. The Boardman Comprehensive Plan is the guidance and the Boardman Development Code is how the commission regulates based on that guidance. They go hand in hand; perhaps both should be updated in alternating steps to avoid being in conflict. There are several planning documents the city has adopted that need to be updated such as the comprehensive plan, the development code, and the transportation plans.

8:00 p.m. Commissioner TenEyck left meeting for family reasons.

Commission Chair Cain said previously the planning commission held a joint workshop with the city council to discuss code updates, but they did not progress very far. He remembers talking about changing building heights. Acting Recorder McCauley remembers discussion also about changing building length because of a couple variance requests in the past.

Planning Official McLane suggested the commission start again. She mentioned there are a number of codes that need to line up such as the public works standards and the municipal code.

Commission Chair Cain said since the current development code was adopted housing types have changed. The code needs to allow for it. Planning Official McLane said the commission may start with the comprehensive plan as it is guidance and not regulatory.

Meeting was adjourned at 8:20 p.m.