

White Salmon Planning Commission Work Session

November 9, 2022

Planning Commission Mission Statement

We Believe:

That property owners and citizens of White Salmon are entitled to an adequate, professional service level for community planning in all areas of land use, zoning, density provisions, community growth and development, quality environmental ambiance, and the preservation and enhancement of community quality of life.

That land use policies and management practices within the White Salmon Urban Growth Area should reflect the goals, objectives, and intent of land use policy and planning provided within the City.

That ordinances of the City should be appropriately updated to provide for sound land use and community development policy while meeting requirements of State of Washington Land Use Law.

That the city account for orderly Annexation of properties that are contiguous to the City of White Salmon, within the limitations of the City's utilities and street systems infrastructure to accommodate such growth

That fiscal policies and decisions of the City must be appropriate to provide for adequate human resources to realize the goals, objectives and intent of the department's Mission Statement.

The Chairman's Vision

- Protect the planning commission from undue political influence by making sure a mayor can only appoint 2 commissioners per term.
- Promote training and education in order to fulfill “The Mission”.
- Create and implement a program of succession planning for commission seats.

Expectations

Learn and abide by the “Appearance of Fairness Doctrine”

The doctrine requires that adjudicatory or quasi-judicial public hearings meet two requirements:

- They must be procedurally fair.
- They must appear to be conducted by impartial decision-makers.

Expectations

Attend all Planning Commission meetings in person, with limited exceptions.

Expectations

Come to meetings prepared

- Read through & annotate meeting packet prior to the meeting
- Read and review applicable municipal and or state code.
- Researched issues of concern prior to the meeting, and forwarded any relevant documents to staff for distribution so fellow commissioners have time to review
- Make site visits to properties and areas under consideration prior to meetings
- Speak with community members in and out of your own social circles about meeting subject matter.
- If you're not 10 minutes early, you're late.

Planning Commission Meetings

Public Meetings vs. Public Hearings

Public meetings are governed by the procedures of the **Open Public Meetings Act**, and generally occur whenever a quorum of a governing body meets together and deals with the business of that body. Although the public is often allowed to participate in public meetings, public participation is not required by state law.

A **public hearing** is primarily intended to obtain public testimony or comment before significant decisions are made. A public hearing can occur as part of a regular or special public meeting or, in some circumstances, can be entirely separate from a public meeting. A public hearing is **obligatory when due process is required, or when a specific statute or local regulation requires one**. A local government may also hold a public hearing when it desires public input on a sensitive or controversial policy issue.

Planning Commision Meetings

Roberts' Rules of Order

- Provides order
- Gives everyone a voice
- Limits time
- Makes minutes easy
- Majority rules.
- Everyone a chance to speak before any member is allowed to speak twice

Land Use Decision Types

Type I-A

Building permits, Short plat (simple), Grading permits, Manufactured home placement permit, Permitted uses not requiring notice of application

- Application/ Pre-hearing administrative process...
- Administrative review and decision without notice; administrative appeal by applicant only.

Type I-B

Site and building plan review , Boundary line adjustment, Conditional use (simple)

- Application/ Pre-hearing administrative process...
- Administrative review and approval without notice; administrative appeal by the applicant only; **appealable to the planning commission.**

Type II

Site and building plan review, Short plat, Conditional use, Zoning variances

- Application/ Pre-hearing administrative process...
- **Planning commission review.** Notice and open record hearing before the planning commission. **Planning commission makes the final decision** subject to a right of appeal to City Council

Type II - Conditional Use

Approval Criteria. The city may approve or approve with modifications an application for a conditional use permit if the following criteria are satisfied:

- The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property;
- The conditional use will be served by adequate public facilities including streets, fire protection, parking, water, sanitary sewer, and storm water control;
- The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel;

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Type II - Conditional Use

Approval Criteria. The city may approve or approve with modifications an application for a conditional use permit if the following criteria are satisfied:

- The conditional use has merit and value for the community as a whole;
- The conditional use is consistent with the goals and policies of the city of White Salmon's comprehensive plan;
- The conditional use complies with all other applicable criteria and standards of the White Salmon Municipal Code; and
- That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.

Type II - Zoning variance

Approval Criteria. The decision maker may approve or approve with modifications an application for a variance from the provisions of this chapter if:

- The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located;
- The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;
- The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located;
- The special circumstances of the subject property make the strict enforcement of the provisions of this chapter an unnecessary hardship to the property owner;

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Type II - Zoning variance

Approval Criteria. The decision maker may approve or approve with modifications an application for a variance from the provisions of this chapter if:

- The special circumstances of the subject property are not the result of the actions of the applicant;
- The variance is the minimum necessary to fulfill the purpose and the need of the applicant;
- The variance is consistent with the purposes and intent of this chapter;
- The variance is consistent with the goals and policies of the city comprehensive plan; and
- The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

Type III

Site and building plan review, Preliminary PUD, Site specific rezone, Preliminary plat for full subdivision, Shoreline permits: substantial development, conditional use, or variances.

- Application/ Pre-hearing administrative process...
- **Planning commission reviews and makes a recommendation to city council.** City council makes the final decision. Notice and public hearings will be held both before the planning commission to make recommendations to city council, and before city council for final decision. No administrative appeal.

Type IV

Final plat, Final PUD

- Application/ Pre-hearing administrative process...
- Notice and decision by city council during regular council meeting

Type V

Development regulations, Zoning text and map amendments, Comprehensive plan text and map amendments, Shoreline Master Program amendments, Annexations.

- Application/ Pre-hearing administrative process-Create draft presentation for discussion & further development
- Notice and public hearing before **planning commission**, with **planning commission recommendation to city council**. City council also provides notice and public hearing before making final legislative decision.

Public Hearings

Quorum & Role:

3 planning commissioners must be present for a quorum. Staff, consultants and guests present will be read into the minutes along with the role call of commissioners. No land use decisions will be heard if a quorum is not present.

Public Hearings-Type II & Type III

- Chair opens public hearing, reads “Appearance of Fairness Doctrine”
- Public comment (time limited)
- Applicant presentation
- Staff presentation
- Applicant rebuttal
- Staff rebuttal

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Public Hearings-Type II & Type III

- Commission questions of clarification for applicant & staff
 - Time limited if necessary
 - Limited to the presents of applicant and staff
 - If a commissioner feels information is lacking, they can make a motion (after public hearing closes) to table the decision until additional information is provided.
- Chair closes public comment portion of the public hearing

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- Chair closes public comment portion of the public hearing
- A commissioner makes a motion or the application dies
 - Motions should be specific, apply only to the land use decision at hand, and in the affirmative
 - A second is required or the motion dies

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Public Hearings-Type II & Type III

- The chair will moderate discussion among the commission, limited to topics included in the public record.
 - The "record" consists of all testimony or comment presented at the hearing and all documents or exhibits that have been submitted in connection with the matter being considered. The decision-maker in quasi-judicial hearings should only base a decision on facts and evidence that are in the record, as a court or other reviewing body generally cannot consider any facts or evidence that are not in the record. Any public body preparing to hold a quasi-judicial hearing should develop a thorough procedure and set of rules for creating a record that preserves all testimony, documents, and any other evidence presented at the hearing in case the decision is appealed.
 - The chair will first recognize the commissioners who made the motion & second so they can explain their opinions. The chair will then seek a rebuttal or further opinion, allowing each commissioner a chance to speak & rebut before a roll call vote is called or motion is tabled until a future meeting.

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Public Hearings-Type II & Type III

- Roll call vote
 - A simple majority is needed to pass the motion.
- A different motion can be presented only after the original motion dies.
 - Lather, rinse, repeat
- Chair closes the meeting
- Behavior after the meeting
 - 3s a crowd
 - Win or lose, let the applicant have their space
 - Remember to value staff's time

Anything else?