

Architectural Review Board

MINUTES OF October 2, 2024

ARB MEMBERS PRESENT:

Chair, Cyndy Hillier
Board Member, Patrick Gaynor
Board Member, Skip Stanaway
Board Member, Chris Goodell
Board Member, Keith Hancock
Board Member, Kylan Hoener

STAFF PRESENT:

Steve Koper, Community Development Assistant Director
Lindsey Hagerman, Office Coordinator

ARB MEMBERS ABSENT:

None

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 6:30 p.m., and roll call was taken.

New Board Members introduced themselves.

COMMUNICATION FROM CITY STAFF

1. Staff provided a brief legal training to outline the Architectural Review Board's role and responsibilities.

Steve Koper, Assistant Community Development Director offered an overview of the training. He noted that asking questions is essential for effective legal training. He addressed the importance of acting collectively as a body. Additionally, he mentioned that political expressions are not allowed during meetings.

Mr. Koper shared the definitions of a public meeting, including an explanation of what a quorum is. He emphasized that public meetings must be accessible and visible to the public. He shared an example of what “serial” meeting entails. He noted this comes up more with social media. He let Board Members know if they have any questions they can be directed to staff but to be careful to not “reply all”. He explained this could be the communication through

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via e-mail, telephone, face-to-face or even social media postings, such as Facebook. He pointed out that at social gatherings Board Members should avoid any discussion of official government business.

Chair Hillier asked if there would be a certain date for the 21 days for the meeting. Mr. Koper answered yes a date would be set.

Mr. Koper spoke about biased opinions, emphasizing that they arise when a decision-maker fails to provide a fair hearing. He pointed out Board Members need to disclose their biases, allowing applicants to decide whether to proceed or to abstain from participation. He also addressed conflicts of interest, explaining that they occur when a decision leads to a "private pecuniary benefit or detriment" for oneself, family members, or associated businesses. A potential conflict may arise when a decision or action could result in such an outcome. To illustrate this, he shared an example and stressed the importance of transparency in these situations. Additionally, he mentioned that the City has a legal attorney available for those seeking more information on legal matters.

Mr. Koper shared the definitions of public meetings, including an explanation of what a quorum is. He emphasized that public meetings must be accessible and visible to the public. He noted Board Members might limit public participation and ask them to leave if they are causing disruption during the meeting. He shared this may be someone cheering or booing during the meeting.

Chair Hillers asked for clarification if the Board Members or the Chair might limit public comment to three minutes. Mr. Koper answered yes they may ask for limits on public comments.

Mr. Koper described the staff's role and its impact on the Planning Commission. Staff ensures that applications are reviewed and meet the necessary criteria before being presented at meetings. He clarified the decision-making process, explaining that if an applicant demonstrates compliance with pre-existing criteria, the application must be approved, even if the decision-maker disagrees with those criteria or believes un-adopted additional, criteria should apply. He illustrated this point with an example of the criteria for an upcoming Industrial Master Plan application.

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Board Member Stanaway asked how much information they should add as Board Members. Mr. Koper answered it depends and shared an example of situation where would need more content.

Mr. Koper highlighted the decision-making criteria must demonstrate compliance. He reiterated evidence the applicant has the burden of proof. The applicant must introduce evidence that shows that all of the approval criteria are satisfied. He explained the final decision might result in approval, approval with conditions or denial. He provided information on Land Use Board of Appeals (LUBA) may reverse or remand a local government decision when local government has “made a decision not supported by substantial evidence in the records as whole.”

Mr. Koper opened up the floor to Board Members to questions.

Board Member Hancock asked for clarification on which date starts the clock on deeming and application being complete. Mr. Koper answered it is when the application has been filed.

Board Member Hancock asked if applications have a life span. Mr. Koper answered an approved application has a 2 year life span from decision to file a permit and keep it active. Additional eligible to extend one year and if they do not act with additional year, the application become void.

ADJOURNMENT

Board Member Gaynor made a MOTION to adjourn. Board Member Hancock SECONDED the motion. The Board Members unanimously voted to ADJOURN the meeting at 7:53 p.m. (7-0)