

PLANNING COMMISSION MONTHLY MEETING

Monday, January 3rd, 2022 6:30 p.m.

To attend by Zoom:

1. Go to <https://zoom.us/j/5033223327>
2. Meeting ID: 503 322 3327
3. Meeting Password: 97118
4. **OPTIONAL:** Call-in phone number: (253) 215-8782

I. CALL TO ORDER

- A. Pledge of Allegiance

II. CONSENT CALENDAR (*APPROVAL OF MINUTES*)

- A. October 11th, 2021
- B. November 1st, and November 8th, 2021 meeting minutes tabled until format approval of minutes.

III. PUBLIC HEARING

- A. None

IV. PUBLIC COMMENT

V. PRESENTATIONS

VI. CORRESPONDENCE

VII. OLD BUSINESS

- A. Meeting minutes format: Plan workshop session.
- B. Council decisions on PC motions
- C. Trails - Salmonberry: Juliet talked with the Salmonberry Trail Foundation & Visit Tillamook Coast
- D. Comprehensive Plan: Goals for CAC/planners

VIII. NEW BUSINESS

- A. Welcome, Commissioner Carolee North
- B. GURA Grant Nominations - Carolee North has been requested by the GURA review committee
- C. 2022 Planning Commission Goals

IX. COMMISSIONER COMMENTS

X. ADJOURNMENT

+ Supporting documents for this agenda are available at City Hall.

2.20.090 Powers and Duties

Except as otherwise provided by law, the powers and duties of the commission shall be as follows:

<p>A. Recommend and make suggestions to the city council and to all other public authorities concerning laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones and districts limiting the use, height, area and bulk of buildings or structures.</p>	<p>B. Recommend to the city council and all other public authorities plans for regulation of the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots; and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants' sanitation, proper service of all public utilities, harbor, shipping and transportation facilities.</p>
<p>C. Recommend to the city council and all other public authorities plans for promotion, development and regulation of industrial and economic needs of the city in respect to private and public enterprises engaged in industrial pursuits.</p>	<p>D. Advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement.</p>
<p>E. Encourage industrial settlement within the city.</p>	<p>F. Make an economic survey of present and potential possibilities of the city with a view to ascertaining its industrial needs.</p>
<p>G. Study needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions.</p>	<p>H. Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of persons residing within the city and an area two miles adjacent thereto. [Ord. 285 § 9, 2005; Ord. 144 § 8, 1987.]</p>

For more information regarding the Planning Commission's role within the City of Garibaldi, please visit:

<https://www.codepublishing.com/OR/Garibaldi/#!/html/Garibaldi02/Garibaldi0220.html>

+ Supporting documents for this agenda are available at City Hall.

PLANNING COMMISSION WORK SESSION MINUTES

Monday, October 11, 2021 – 6:30 p.m. to 7:30 p.m.

ZOOM MEETING

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER

Chair Nathan Findling called the Planning Commission Meeting to order at 6:42 p.m. Present were Commissioners Nathan Findling, Judith Parker, James Buker (Zoom), as well as City Manager Juliet Hyams, Jack Anderson and David Laine. Roger Cooper and Roy Hamilton were absent.

III. PUBLIC HEARING: NONE

IV. COMPREHENSIVE PLAN UPDATE DISCUSSION

Scope of update: compliance with state goals, statutes and rules? Obsolete portions? Omissions? Vision for the community?

- Project administration
- Public involvement
- Background reports
- Schedule
- Budget

Discussion of scope and outreach, including individual interviews. City manager commented that developing a scope of work and budget are typically the first steps. Then, one hires a consultant. The planning commission doesn't lead the process, but is more of a party to it. It's pretty expensive and it's not budgeted for in FY2021-2022.

Parker expressed interest in having the planner in the conversation. She wanted to discuss with him the budget and the use of citizen committees. The sample scope from the City of Redmond is not a close comparison to a small town like Garibaldi or Rockaway.

Chair Findling pointed out the value of the Redmond plan is to show the role of a scope and its relation to the big picture. How do we identify the components and apply them to Garibaldi?

Parker: Does he have experience working with other small coastal towns?

Answer: Yes.

The city manager suggested considering fundamental questions of scope posed by DLCD Rep Lisa Phipps and Planner John Morgan. What portions no longer comply with state goals, statues and rules? What has become germane since the last comp plan, like global warming and DEI? Where do you want your community to be in 10 years? It's long-term vision.

The current plan doesn't discuss bike trails or salmon.

Can we figure out what the current comp plan authors were thinking when they wrote the plan or who worked on it? How do we capture their tenure and history? We could conduct individual interviews with them, as part of the public involvement plan. Also, involve the museum for historical research. We could have a town hall or a joint session with the museum.

Discussion of CAC formation and rescinding its guiding ordinance; it contains contradictions. City staff should assemble a CAC and TAC. And how does that TAC relate to the US 101 redesign TAC? Perhaps a joint planning commission/city council gathering would meld our ideas.

Findling suggested starting with the existing comp plan, identifying grants and figuring out how to spend them. It doesn't help to have a scope without funding. We should identify obsolete info in the current plan, like the Old Mill Marina project. Can we automate that? We should also update the maps and put updates online.

Planning commission could read the existing plan, mark it up and pull together a laundry list to take to council. Let's get in touch with those who worked on the last one and invite them. What would the timeframe be? How much should we do before handing it off to the CAC? We need feedback on emergency management and tourism. The group requested copies of the zoning map.

The group decided to assign sections of the comp plan for members to review before a work session on Wednesday, December 1. The PC will pass a motion to that effect at its November 1 meeting.

IX. COMMISSIONER REPORTS

X. ADJOURNMENT

Chair Findling adjourned the meeting at 7:42.

Nathan Findling
Planning Commission Chair

ATTEST:

Juliet Hyams, City Manager

From: Colton Totland
Sent: Thu, 22 Apr 2021 18:43:04 +0000
To: commissionerfinn@gmail.com
Subject: RE: Spouses in Public Office, and Conflicts of Interest

Hello Finn,

I am including a [chapter](#) of the Oregon Municipal Handbook that we recently published on the topic of government ethics. This chapter addresses the topics of nepotism and conflicts of interest.

The other main source of information for you will be ORS Chapter 244, and specifically ORS 244.175 to ORS 244.179 (nepotism).

Generally, under these provisions, a public body is not prohibited from appointing a person who is a relative of another who serves the public body. See ORS 244.177(4). The obligations under this ORS Chapter are not on the public body but rather on the public *official* who is related to the potential appointee. As an example, ORS 244.177 prohibits a public official from participating in any “discussion or debate” or from “advocating” for a relative to serve as an “unpaid member of a governing body.” See ORS 244.177(1)(b), ORS 244.177(3)(a)-(b).

I hope this information helps. For further questions, I encourage you to reach out to the Oregon Government Ethics Commission (OGEC) at 503-378-5105 or ogec.mail@oregon.gov. They are a particularly great resource because they can provide cities with legal advice that serves as a shield to some degree against enforcement proceedings. State law provides that whenever an ethics investigation is conducted, OGEC “may consider whether the action that may be subject to penalty was taken in reliance on staff advice.” See ORS 244.284.

Sincerely,



Colton M. Totland, *Honors Attorney*

503-588-6550 direct: 503-540-6578

1201 Court St. NE, Suite 200, Salem, OR 97301-4194

www.orcities.org



From: LOC <loc@orcities.org>

Sent: Thursday, April 22, 2021 8:54 AM

To: Patty Mulvilhill <pmulvilhill@orcities.org>; Jayme Hafner <jhafner@orcities.org>; Colton Totland <ctotland@orcities.org>

Subject: FW: Spouses in Public Office, and Conflicts of Interest

Can one of you please address this and the following email?

Thank you,
Debi



Debi Higgins, *Administrative Assistant*

503-588-6550 direct: 503-540-6561

1201 Court St. NE, Suite 200, Salem, OR 97301-4194

www.orcities.org



From: Nathan Finn Findling <commissionerfinn@gmail.com>

Sent: Thursday, April 22, 2021 8:00 AM

To: LOC <loc@orcities.org>

Subject: Spouses in Public Office, and Conflicts of Interest

Hi,

Second email: As noted, I'm a planning commissioner in the very small city of Garibaldi. My wife, Katie Findling, is a City Councilor.

- I was appointed in 2019
- She was elected in the 2020 election.
- We've filed SEI
- It's publicly known we're married
- We're volunteers
- We don't get financial gains for us
- We don't get financial gains for each other

There was an "issue" that came up as Garibaldi City Council was debating over the vacant Councilor Position. One Councilor, Judy Riggs, claimed that candidate Cheryl Gierga Hamilton shouldn't be allowed because her Husband, Roy Hamilton, is a Planning Commissioner for Garibaldi.

To my understanding, The Hamiltons would have akin to the ones I listed above regarding my wife and myself.

All Conflict of Interest Research I find only discusses the spouse of one official, not spouses on similar committees.

We've been told League of Oregon Cities has said that spouses in small cities have been known to serve on similar, and sometimes the same committee.

Do you have training video, or seminal, or archival information that discusses this situation?

Thank you for whatever help you're able to provide.

Sincerely,

--

- **Finn**

Nathan "Finn" Findling
Planning Commission
City of Garibaldi

P.O. Box 708

Garibaldi, OR 97118

Main Office: 503-322-3327

ci.garibaldi.or.us/planning-commission

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From: Jayme Hafner
Sent: Tue, 17 Aug 2021 21:09:04 +0000
To: commissionerfinn@gmail.com
Subject: RE: City Employees on CAC

Hi Nathan:

Thanks for emailing LOC. I need to start by saying that the LOC cannot provide the city with legal advice – only your city attorney may do so. However, I can provide some general guidance regarding your question.

In most cities, whether or not an employee can serve on an committee or council is provided for in the city's governing documents. This may be in the charter, local rules of procedure, ordinances or any other documents. I suggest reaching out to your city administrator or recorder for copies of these documents – or if they are aware of any restrictions.

Second, there may be state laws that while not necessarily prohibit, but may impact a staff member's ability to serve on a committee. For example, the Oregon State Government Ethics laws has provisions that address conflicts of interest. I recommend reviewing the Ethic [Commissions' Guide for Public Officials](#). Finally, to confirm there are no other restrictions, I recommend reaching out to the city attorney.

Best,
Jayme



Jayme Hafner, *Assistant General Counsel*
503-588-6550 direct: 503-540-6570
1201 Court St. NE, Suite 200, Salem, OR 97301-4194
www.orcities.org



From: Nathan Finn Findling <commissionerfinn@gmail.com>
Sent: Tuesday, August 17, 2021 1:00 PM
To: LOC <loc@orcities.org>
Subject: City Employees on CAC

Hi, LOC,

We have a member of our city staff here in Garibaldi that would like to apply to our CAC (Citizens Advisory Committee). The member is a resident of Garibaldi.

Is there an ORS / legal precedence of any kind that would keep this individual from joining our CAC?

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- **Finn**

Nathan "Finn" Findling
Chair | Planning Commission
City of Garibaldi

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