



PLANNING COMMISSION

Meeting Notes of October 4, 2017

Members present: Charles Mathews, Joel Metlen, Bill Relyea and Gary Walvatne. Carrie Pellett (arrived approximately 6:50 pm)

Members absent: Jim Farrell and Lamont King

Staff present: John Boyd, Planning Manager; Megan Thornton, Assistant City Attorney and Tim Ramis, City Attorney

PREHEARING MEETING

Chair Walvatne called the work session to order in the Rosemont Room at City Hall. Mr. Boyd stated there has not been any public comment on CDC-17-04. Mr. Ramis will follow up with a short presentation after Mr. Boyd's. Commissioner Mathews is concerned about creating impediments to citizens in the appeal process. Chair Walvatne noted on Monday during the City Council/Planning Commission work session that there may be a working group for the appeal process. Councilor Martin asked that during the hearing it is stated that De Novo is not a new application. That it is on-the-record plus new evidence. He also shared that he had contacted the Library Director about putting together a resource for planning at the library. The director committed to providing the top 10 books on planning. Commissioner Mathews noted he will be bringing up the major/minor utilities information previously requested during Items of Interest from the Planning Commission.

(00:03:08)

REGULAR MEETING - CALL TO ORDER

Chair Walvatne called the meeting to order in the Council Chambers at City Hall.

(00:03:21)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

None

(00:03:40)

PUBLIC HEARING: REINSTATE DE NOVO REVIEW APPEAL PROCESS AS AN INTERIM MEASURE, CDC-17-04 (STAFF: JOHN BOYD)

Chair Walvatne explained the Planning Commission's role in the legislative process is to make a recommendation to City Council after hearing testimony and arguments. The City Council will hold a public hearing and come to a decision at a later date.

He then provided an outline of how the meeting will proceed: after the preliminary legal matters, staff will make a presentation, the commission will have the opportunity to ask questions, and then there will be public testimony on the matter. The commission will have the chance to ask any final questions then will close the hearing. At that time the commission will discuss the proposal and make a recommendation.

Anyone wishing to speak must complete a sign in testimony form and turn it in to staff.

Mr. Ramis provided the preliminary legal matters.

The hearing commenced with a briefing by John Boyd, Planning Manager on the upcoming date for the Council hearing and that all noticing requirements have been met.

Mr. Ramis began his presentation. He explained that City Council is looking at two different processes to review and consider revisions to the appeal process. One is a comprehensive review that is intended to examine at all aspects of the appeal process to see if changes are needed and the other is what is being presented now, an interim process, allowing the more comprehensive process to come before the commission at a later time. He explained there are three fundamental variables in designing an appeal process: who can participate in an appeal, what issues may be raised on appeal, and what evidence can be argued on appeal. Two of the variables are under consideration with this set of amendments. He then walked through the ordinance.

Chair Walvatne closed the hearing and the Commissioners entered deliberations.

Commissioner Metlen noted that this change could make more work for Council, additional cost for everyone involved, and that it is an interim measure and if more issues arise while waiting for the more comprehensive review, changes would need to be made.

Vice Chair Mathews stated the Planning Commission should draw out as many issues as possible so if an appeal is filed there hopefully wouldn't be too much added cost to the applicant for experts/study's/reports.

Chair Walvatne suggested that bringing back prior code changes could help with having a more complete record by allowing the commissioners to ask questions previously not allowed. He also noted that the reinstatement of De Novo is being worked on in the background by the CCI.

Vice Chair Charles Mathews **moved** to recommend draft Ordinance #1663 with the modifications as discussed with the City Attorney.

Commissioner Joel Metlen **seconded** the motion.

Ayes: Commissioner Joel Metlen, Vice Chair Charles Mathews, Commissioner Bill Relyea and Chair Gary Walvatne

Nays: None

Abstentions: None

The motion passed 4-0-0

(00:48:34)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Vice Chair Mathews brought up major and minor utilities and that he feels a detention pond in an R-10 zone is a major utility and subject to a conditional use permit, although in the past it has been treated as a minor utility. Mr. Boyd explained there are many detention ponds throughout the city and are in easements. Because the city has an existing stormwater facility near the Cornwall project, it could have been upgraded with a pond and would still have been a minor utility like other neighborhood detention ponds. He provided background on how the major and minor facilities definitions were created. Vice Chair Mathews disagrees with the minor utility distinction and would like the stormwater issue be addressed with applicants at the pre-application meetings. Mr. Boyd suggested a discussion with Public Works Director Calvert. Commissioner Relyea feels the definitions are not clear and concise and that the Cornwall project should have been a conditional use. Commissioner Pellett agreed with Vice Chair Mathews and Commissioner Relyea about the need for conditional use. Chair Walvatne pointed out that although the city has sub-systems for stormwater, those sub-systems make up the overall system of the City.

ITEMS OF INTEREST FROM STAFF

(01:12:28)

ADJOURNMENT

There being no further business, Chair Walvatne adjourned the meeting.