



PLANNING COMMISSION

Meeting Notes of December 12, 2018

- Members present: Jim Farrell, Lamont King, Charles Mathews, Carrie Pellett, Bill Relyea and Gary Walvatne
- Members absent: Joel Metlen
- Staff present: John Boyd, Planning Manager; Ken Worcester, Parks and Recreation Director and Tim Ramis, City Attorney
- Guests: Councilor Bob Martin

**PREHEARING MEETING**

Chair Walvatne called the work session to order in the Rosemont Room at City Hall. Vice Chair Mathews expressed concern over the PC hearing the Code Interpretation before them tonight. He will bring the issue up prior to the start of the hearing. Mr. Ramis spoke to how the decision was made for the PC to interpret the code. Vice Chair Mathews brought up the ongoing issue with street widths and enforcement of conditions of approval. Mr. Ramis discussed ways to make the conditions enforceable.

(00:00:21)

**REGULAR MEETING - CALL TO ORDER**

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

(00:00:45)

**APPROVAL OF MEETING NOTES: NOVEMBER 7, 2018**

Commissioner Bill Relyea **moved** to approve the meeting notes of November 7, 2018.

Commissioner Jim Farrell **seconded** the motion.

**Ayes: Commissioner Carrie Pellett, Commissioner Jim Farrell, Vice Chair Charles Mathews, Commissioner Lamont King, Commissioner Bill Relyea and Chair Gary Walvatne**

**Nays: None**

**Abstentions: None**

**The motion passed 6-0-0**

(00:01:49)

**PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA**

Mary Baumgardner requested the chemical reports for the mill pond settling ponds be made available to the public and that the area be restored to a natural habitat for wildlife and low-impact public use.

(00:08:02)

**REPORT ON CHANGES TO THE PARKS MASTER PLAN UPDATE**

Ken Worcester, Parks and Recreation Director stated that as the Planning Commission's recommendations and Parks Advisory Board's recommendations were being reviewed, it became apparent that the Public Facilities Plan would be a way to capture the economic analysis and historical significance for all the public buildings, and move the Parks Master Plan Update forward. He noted the red line pages of the Parks Master Plan Update were a part of tonight's materials and

reflected the PC's changes from May. Mr. Worcester is asking the PC if they approve of the Public Facilities Plan approach, at which point they would move forward with public hearings at the Council level. If not, the approach would be to go back and reschedule the public hearings on the Parks Master Plan Update.

The commissioners shared their concerns and questions. The satellite centers and an aquatic center are the main issues.

Steve Kelly read Angela Dreher's letter into the record. Dr. Dreher's letter detailed the costs associated with a pool. Peggy Kirkendall, Roberta Schwarz, and Charles Seims spoke in opposition to the Parks Master Plan Update.

The Commissioners continued the discussion and asked additional clarifying questions.

Vice Chair Charles Mathews **moved** to ask the Parks Director to prepare for the Planning Commission's review, amendments to the previously submitted Parks Master Plan Update red line version to strike all references to an aquatic center and to recommend funding that would adequately support the development of the Bolton, Robinwood and Sunset facilities (and old City Hall) in a public hearing format.

Commissioner Carrie Pellett **seconded** the motion.

**Ayes: Commissioner Carrie Pellett, Commissioner Jim Farrell, Vice Chair Charles Mathews, Commissioner Lamont King, Commissioner Bill Relyea and Chair Gary Walvatne**

**Nays: None**

**Abstentions: None**

**The motion passed 6-0-0**

(01:46:20)

**PUBLIC HEARING: REQUEST FOR A CODE INTERPRETATION, MISC-18-07 (STAFF: JOHN BOYD)**

Before starting the hearing, Vice Chair Mathews challenged the Planning Commission's authority to hear the matter. Citing various sections of Chapter 99 of the CDC, he believed jurisdiction belonged to the Director. The Planning Commission deliberated on the matter and asked clarifying questions. City Attorney Ramis concluded that the Planning Commission is being asked to accept jurisdiction. Mr. Boyd related that the Director Decision process showed lack of public involvement with limited notice and opportunity to appeal the director decision. This process allows more citizen involvement and allows City Council to be the final arbiter if the review is appealed.

Vice Chair Charles Mathews **moved** to reject the hearing of MISC-18-07 based upon not addressing requirements of the Community Development Code to make referral to the Planning Commission.

Commissioner Bill Relyea **seconded** the motion.

**Ayes: Vice Chair Charles Mathews and Commissioner Bill Relyea**

**Nays: Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Lamont King and Chair Gary Walvatne**

**Abstentions: None**

**The motion failed 2-4-0**

Chair Walvatne opened the public hearing. He explained the Planning Commission's role is to interpret the CDC. The decision may be appealed to City Council.

Chair Walvatne then outlined the procedure for the hearing. After the preliminary legal matters, staff will make a presentation, allowing for questions by the Commissioners. The applicant will have 20 minutes initially to speak, plus ten minutes for rebuttal. Then the Commission will take public testimony. Any members of the audience who wish to speak must complete a "Sign In/Testimony Form" and turn it in to staff. After the Commissioners asks any final questions, the hearing will be closed. The Commission will then discuss the proposal and make an interpretation.

Mr. Ramis provided the preliminary legal matters.

The hearing then continued with a staff report presented by John Boyd, Planning Manager.

Zoe Lynn Powers, Attorney presented on the applicant's behalf.

Kathie Halicki read Elizabeth Rocchia's written testimony expressing the need to protect commercial lands into the record. Gail Holmes, Kathie Halicki, Roberta Schwarz and Karen Park spoke in opposition of the code interpretation. Pat Rushton, Stephen Rushton, Richard Hunter, Judy Hunter and Julia Simpson did not speak but requested party status.

Ms. Powers provided rebuttal comments to public testimony and the Planning Commission asked final questions.

Chair Walvatne closed the hearing.

Vice Chair Charles Mathews **moved** to accept the findings contained in staff report with a modified interpretation of "first floor" as used in Chapter 21 (Section 21.050.2) as "including the entire perimeter of the structure at the highest grade" and 2) approved the recommendations of staff for the interpretation for "Commercial Development" along with the four uses proposed sub-items under the "Commercial Development."

Commissioner Bill Relyea **seconded** the motion.

**Ayes: Commissioner Carrie Pellett, Commissioner Jim Farrell, Vice Chair Charles Mathews, Commissioner Lamont King, Commissioner Bill Relyea and Chair Gary Walvatne**

**Nays: None**

**Abstentions: None**

**The motion passed 6-0-0**

(04:04:56)

#### **ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

- a. Complete annual report to Council (if needed)

The Commissioners concurred with Vice Chair Mathews changes to the report. Mr. Boyd will email a final copy to each commissioner for their approval then submit it to City Council.

Councilor Bob Martin expressed his appreciation for the Planning Commission members. He encouraged the members to continue on the PC and consider future involvement as a City Council member. The Commissioner's thanked Councilor Martin for his service.

(04:10:12)

#### **ITEMS OF INTEREST FROM STAFF**

Mr. Boyd asked for a complete set of the submittals from tonight's meeting.

(04:11:16)

**ADJOURNMENT**

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