



PLANNING COMMISSION

Minutes of Wednesday, September 17, 2014

Members present: Chair Christine Steel, Vice Chair Russell Axelrod, Lorie Griffith, Nancy King, Jesse Knight and Ryerson Schwark

Members absent: None

Staff present: Chris Kerr, Community Development Director; and John Boyd, Planning Manager

PREHEARING WORK SESSION

Chair Steel convened the session at 6:00 p.m. in the Rosemont Room of City Hall. Commissioners and staff discussed the agenda, hearing procedure, the schedule of upcoming meetings and hardware/software questions. Commissioner King recapped a recent meeting of the administration with representatives of advisory boards.

REGULAR MEETING - CALL TO ORDER

Chair Steel called the meeting to order in the Council Chambers of City Hall at 6:30 p.m.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Vice Chair Axelrod **moved** to approve the Minutes of August 6, 2014. Commissioner Knight seconded the motion and it **passed** 6:0. Vice Chair Axelrod **moved** to approve the Minutes of August 20, 2014 as amended by Vice Chair Axelrod. Commissioner Schwark **seconded** the motion and it **passed** 6:0.

PUBLIC HEARING

MISC-14-04, Modify conditions of approval for DR-09-05 to allow athletic field lights to be left on an extra hour until 10:00 p.m. at Rosemont Ridge Middle School. Continued from August 20, 2014 for additional written testimony and deliberations. Commissioner Griffith recused herself from participating in the hearing.

Deliberations

Chair Steel opened deliberations and polled the Commissioners. Commissioner Schwark explained he could not approve until there was adequate screening of adjoining private property. He had noticed an obvious lack of screening and dampened down grass indicating that kids were coming and going that way. He reasoned that extending the hours of lighting was effectively extending the hours of field activity and noise. Commissioner Knight agreed, relating that he had walked the area multiple times at different times of day and noticed inadequate screening; and, that even though the fixtures did not shine directly into adjoining properties they flooded the general area. He recalled that the applicant had said the lights would not

likely be left on until 10:00 p.m. However, it was an open-ended request, so if the Commission approved it the applicant had the ability to leave them on that long all the time.

In regard to the relevance of arguments offered in testimony Vice Chair Axelrod found screening was not adequate was relevant because the lighting flooded the general area and the level of lighting was associated with the levels of activity and noise and disturbance of neighbor's lives. Commissioner King indicated she was weighing the request to only extend lighting one hour with the impacts on people living nearby. Chair Steel recalled testimony regarding how the lights and commotion affected the neighbor's livestock operation.

Vice Chair Axelrod **moved to deny MISC-14-04**. Commissioner King **seconded** the motion and it **passed** 5:0. (Commissioner Griffith recused).

WORK SESSION: Code Maintenance, CDC-14-02

The proposed amendments were attached to the September 12, 2014 staff report. Mr. Boyd highlighted each of the issues addressed in the Summary of Proposed CDC Amendments (Table 1). Commissioners and staff went through the draft issue by issue and offered the following directions to staff.

There was to be both a clean and an annotated draft for the public hearing.

The Commissioners did not support Item 5 because they saw it as a substantive change to reduce the setback for porches from 5 to 3 feet.

They asked staff to provide a legal opinion or cite the applicable state statutes before they decided whether to remove the provision that prohibited home occupations involved with firearms, explosives and other dangerous weapons or hazardous materials.

In regard to Item 11 to Clarify definitions of Type I-IV Lands and address related inconsistencies and gaps in the code they asked staff to provide examples to help them understand what the current problem was that it solved.

They asked the City Attorney to look at clarifying confusing language under Item 15: Consolidation of proceedings.

In regard to Item 17 to clarify the order of succession under the quasi-judicial decision process the Commissioners generally supported the concept that if the Planning Director was disqualified from making a decision he could appoint a designee on staff; if all staff was disqualified the matter would go to the Planning Commission; and, if the Planning Commission was disqualified it would go to the City Council. Staff and the Commissioners agreed the City Attorney should look at clarifying this in the text.

Staff proposed Item 19 clarify the criterion for approval of lot line adjustments in order to address gerrymandering. They agreed to research how other jurisdictions dealt with following natural features.

Staff agreed to work on the text and punctuation under Item 23 due to confusion with regard to aspects such as Minor versus Major utilities and explain the process in terms of distribution versus transmission facilities.

Mr. Boyd clarified that Attachment B was the entire ordinance with every reference to 'unit of land' replaced with 'a lot or parcel' except special lots such as Flag Lots.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

None.

ITEMS OF INTEREST FROM STAFF

Staff reminded the Commission of their upcoming joint meeting with the City Council.

ADJOURNMENT

There being no other business, Chair Steel adjourned the meeting at approximately 8:50 p.m.

APPROVED:

Christine M Steel
Christine Steel, Chair

12-3-14
Date