

MINUTES
PLANNING COMMISSION STUDY SESSION

July 25, 1985
7:00 p.m.

PROPOSED DEVELOPMENT CODE - FIRST DRAFT - ARTICLE IV - PUBLIC HEARINGS, DECISION AND APPEAL PROCEDURE

COMMISSION MEMBERS PRESENT: Chairman Leo Appel II, Vice Chairman Jim Izett, Commissioners Mary Jane Brimm, Jean Hagen, Elgin Gunderson, Earl Breuer

COMMISSION MEMBERS ABSENT: Commissioner Lonny Draheim

STAFF MEMBERS PRESENT: City Manager Lynn Stuart, Planning Director Chuck Rhodaback, Engineering Technician Leo Lightle

Chairman Appel convened the study session at 7:00 p.m. by asking the staff to review the rewrite provisions of Article III, Section 3.070, items (1) & (2), and Items (1)(i) and (2)(e), as requested by the Commission at the July 11, 1985 study session. The staff gave a brief report and the Commission found the proposed amendments to be acceptable.

Chairman Appel then asked for questions or comments pertaining to Article IV, Section 4.010. Commissioner Gunderson asked how cost was determined. The staff explained that cost was based on the application and public hearing process, and that the fee should be large enough to cover the cost of administrative functions. The cost of the application should balance with the cost of processing, and each application would have a different cost due to the amount of processing involved. The staff indicated that each type of application will have it's own fee.

Commissioner Breuer requested that "reasonably calculated" be removed from Section 4.020, item (2). City Manager Lynn Stuart explained that when calculating acreage, one should calculate within a reasonable degree of total area. After a brief discussion, the Commission agreed to have the phrase "reasonably calculated" removed from the introductory sentence, but that it shall remain in item (2).

There being no further discussion on Section 4.030, the Commission approved the section as written.

Mr. Stuart briefly explained that Section 4.040 was a new addition to the existing Code. The Commission agreed to change Section 4.040(3) from five (5) days to seven (7) days.

After reviewing Section 4.050, Chairman Appel asked staff for a definition of "legislative hearings". The staff defined a "legislative hearing" as a process that is initiated by the City, and does not require a public hearing (quasi-judicial) process. The "legislative hearing" would be more of a community wide issue rather than an individual parcel of land.

There being no further discussion on Sections 4.060 and 4.070, the Commission approved the sections as written.

The Commission members discussed the meaning of "ex-parte contacts", and Mr. Stuart stated that one should not participate in the decision making process if the Commissioner has pre-determined judgments on the subject matter or request.

Commission members approved Section 4.080 with no discussion or comments.

Reasons for abstention or disqualification were briefly reviewed before the Commission approved Section 4.090.

Vice Chairman Izett indicated that the usage of "it's" was incorrect in Section 4.100, and that it should be changed throughout the Code text.

The Commission agreed to have Section 4.110(4) rewritten to read as follows: "The hearing body may view the area under consideration with or without notification to the parties, but shall state the time, manner and circumstances of such view in the record.

There being no further discussion on Section 4.120 and 4.130, the Commission agreed to approve the sections as written.

Mr Stuart suggested that the word "make" in Section 4.140(4) be changed to "received". The Commission approved of the suggestion.

Chairman Appel asked staff if a vote was required by the Commission regarding appeal hearings, as defined in Section 4.150(3). The staff indicated that a vote may be required.

After reviewing Section 4.160, several changes were requested by both the Commission and staff. It was felt that the term "standing" was an improper word and therefore, the title of the section was rewritten to read: "AFFECTED PARTIES AND PUBLIC TESTIMONY". The introductory sentence was also rewritten to read as follows: "Appeals may be filed only by parties affected by a quasi-judicial land use of Development Permit decision". The word "zoning" was added at the beginning of the sentence for item (2)(a), and item (4) was completely removed from the Development Code. The Planning Commission and staff agreed on the changes and approved Section 4.160.

Sections 4.170 thru 4.200 were reviewed briefly and found to be acceptable as written.

The Commission requested that item (2) of Section 4.210 be changed from 90 days to 3 months, to remain consistent with prior time limits.

There being no further discussion by the Commission or staff, Article IV was approved with appropriate additions and deletions.

Mr. Stuart gave a brief presentation on "Findings of Fact" and the "Adoption of Findings Document". Mr. Stuart explained the procedure of negative and positive findings and how the findings should be used in the decision making process.

There being no further comments or questions, Chairman Appel adjourned the study session at 9:00 p.m.



Leo Appel III
Chairman

ATTEST:



Judy Pectol
Recorder