



## MINUTES

**PLANNING COMMISSION - REGULAR Session Meeting**  
**Wednesday, April 13, 2016 North Plains Senior Center 7:00 PM**

**COMMISSIONERS**  
**PRESENT:**

Chairperson Stewart King; Vice Chairperson Heather LaBonte  
Planning Commissioners: Garth Eimers, James Fage, Larry Gonzales,  
Lonnie Knodel, Doug Nunnenkamp

**STAFF PRESENT:**

City Manager Blake Boyles, City Recorder Margaret Reh

**OTHER**

City Planner Heather Austin, 3J Consulting

**1 CALL TO ORDER**

Chair Stewart King called the meeting to order at 7:00 p.m.

**2 PLEDGE OF ALLEGIANCE**

Chair King led the Planning Commission in the flag salute.

**3 APPROVAL OF MINUTES:**

- a) Review and approval of March 9, 2016 Regular Session Minutes.

*Motion to approve the March 9, 2016 Regular Session Planning Commission Minutes. Moved by Planning Commissioner Knodel. Second by Eimers. Motion was approved unanimously.*

**4 PUBLIC COMMENT: None were forthcoming.**

**5 PUBLIC HEARING: None Scheduled**

**6 NEW BUSINESS:**

- a) Review of Zoning Code Update Work Program Ideas to discuss during Work Session on April 13, 2016.

City Planner, Heather Austin of 3J Consulting, presented the staff report. Staff had created a list summarizing the most pertinent issues with code that are requiring changes. This list is based on conversations with the Planning Commission, City Council, and developers. The list was reviewed and a short discussion ensued.

The Planning Commission decided to prioritize the list in the following order and discuss them in work sessions: 1.) Marijuana Facilities; 2.) Neighborhood Community Zone (16.45); 3.) Duplex, Triplex and Attached Single Family Dwellings (16.100); 4.) Subdivisions (16.135); 5.) Planned Unit Development (16.140); and 6.) Annexation (16.205).

**7 UNFINISHED BUSINESS: None Scheduled**

## 8 PLANNING COMMISSION COMMENTS

LaBonte asked if staff heard back from legal regarding the suggested changes to the de novo hearings for appeals. The city attorney highly recommends not taking the de novo appeal hearing out of the code for several reasons.

This question opened the discussion of a review of code changes the Planning Commission is submitting as a recommendation to the City Council. Austin proceeded to read portions of the staff report presenting the Commission's recommendation that was prepared for City Council. The staff report can be read in its entirety under Agenda Item 8A of the April 18, 2016 City Council Agenda Packet.

In response to LaBonte's question, Austin read the following from the Council Staff Report regarding appeals being a de novo hearing:

It is extremely difficult to ensure that all evidence presented at the appeal hearing was presented at the original land use hearing. Should an appellant or original applicant provide pertinent information at the appeal hearing that was not part of the original record, under the proposed code language, the City Council would have to either deny entry of the new evidence or remand the decision back to the Planning Commission. A remand to the Planning Commission would likely result in violation of state law as noticing requirements and hearing date limitations would be difficult to address within the state-mandated 120-day review period. Denial of pertinent new information at the appeal hearing could be detrimental to the City's ability to make sound land use decisions based on the City's adopted Comprehensive Plan.

Austin reviewed a few of the other code changes the Planning Commission is submitting as recommendations to the City Council. This included changing which applications should be reviewed as Type II vs. Type I; and requirement for alley or rear-loaded garages. These were being submitted to the City Council as Attachments A – C in the staff report.

Discussion ensued regarding the de novo appeal process. The Commission would like the following statement to replace what is currently in the staff report. The proposed change to 16.170.015.C.5 shall read:

An appeal to City Council is de novo and shall be based on the information submitted into the record during the Planning Commission public hearing as well as new evidence entered into the record at the appeal hearing without substantive changes to the application reviewed by the Planning Commission.

It was suggested to pass this proposed change to the city attorney prior to the Council meeting on April 18, 2016.

It was suggested to have a clear definition of what 'evidence' is. This would not include changes to the original plan submitted in an application.

Ex officio Kindel informed the Planning Commission there is an opening on City Council due to the resignation of Councilor Sandi King.

**9 STAFF COMMENTS**

Boyles addressed the Commission regarding communication with staff. This will be discussed at the other committee meetings also. Boyles would like to have all communication to go through him instead of giving work direction directly to staff members. There will be a formal copy of the policy in the May 11, 2016 Commission packet.

**10 ADJOURNMENT FROM REGULAR SESSION:**

The Planning Commission adjourned from Regular Session at 7:38 and enter into a Work Session to discuss the Zoning Code review prioritized earlier in this meeting.

The next Regular Session of the Planning Commission is scheduled for Wednesday, May 11, 2016. It is currently scheduled to be held at the North Plains Senior Center.

**11 PLANNING COMMISSION WORK SESSION**

Submitted by:

  
Margaret L. Reh, City Recorder

Date Minutes Approved 05/11/2016