Planning Commission Meeting
Minutes for –October 12, 2016

Chair Laumbattus called the Meeting of October 12, 2016 to order at approximately 6 p.m.

Roll Call
Members Present: Commissioners Laumbattus, Oppel, Moffitt, McNett, Mount, and Cleland McGrath.

Minutes
Meeting minutes of September 14 were approved as read.

Correspondence
No correspondence was presented.

New Business
Public Hearing – Amend Code Regarding State Licensed Marijuana Producers

Darcy Swetnam, City Attorney, explained Medical Marijuana Cooperatives. There is currently a moratorium in place for marijuana cooperatives, which allow up to 60 plants grown cooperatively in a residential area for medical marijuana patients within one operation. The City is proposing prohibition of all medical marijuana cooperatives. Individual patients would still be able to grow up to 15 plants in their home.

Commissioner McNett requested clarification on the benefit of the cooperative if patients can still grow up to 15 plants. Ms. Swetnam responded by suggesting some patients may not have room in their home and another patient may have extra space.

Chair Laumbattus asked if this is restricted to indoor growing. Ms. Swetnam stated that the state requires growing indoors.

Commissioner Cleland-McGrath questioned why two patients could still combine to grow up to 30 plants. Don Measamer, City Director, clarified that it allows a patient to help another that does not know how or cannot do it on their own, and they both must be patients.

With no comments, the public hearing closed.

Chair Laumbattus made a motion to prohibit marijuana grow cooperatives. Commissioner Oppel seconded. The motion passed unanimously.

New Business

Public Discussion - Municipal Code Amendments

Don Measamer, City Director, presented updates to code for the next year. The updates include the growth management act periodic update requirements for critical areas regulations. More information will be provided on the City website that will inform the public of all City code updates and a preliminary schedule. Mr. Measamer suggested that at least 3 Commissioners hold a workshop for the public.

Ms. Swetnam presented on Title 19, Unified Development Code Ordinance, which should place all development codes in one location, remove inconsistencies, and clarify requirements. Ms. Swetnam provided a draft table matrix showing how land uses and procedures are structured, including the introduction of a hearing examiner and new duties for Planning Commissioners.

Commissioner Moffitt questioned the timeline for code enforcement updates. Ms. Swetnam stated it will most likely be a part of the Title 20 update.

Chair Laumbattus questioned the verbiage "appropriate appeal fees," as appeals have not previously had fees. Ms. Swetnam clarified that it was included for future discussion.

Commissioner Oppel requested clarification on the level 1 versus level 2 variances. Ms. Swetnam stated that levels separate variances by complexity, simplifying the process for simple variances. Levels have not yet been defined.

Commissioner Oppel requested specific significant differences in the matrix allowances. Mr. Measamer suggested significant changes as those moving short subdivisions administrative decisions up to 4 lots, instead of 9 lots, and the introduction of a hearing examiner for certain land uses as significant changes.

Chair Laumbattus requested comments at this time.

Gene Derig, 1302 K Avenue. Mr. Derig does not support including an appeal fee.

Patrick O'Hearn, 11039 Post Drive. Mr. O'Hearn is concerned with the public's capability to appeal a type 1 project if there is no notice for a project. Mr. Measamer clarified that there are no current notice requirements for boundary line adjustments, and that will be researched with the code updates. Mr. O'Hearn does not support removing the Board of Adjustments. Ms. Swetnam clarified that if a hearing examiner is not used, the Board of Adjustments would be in its place within the matrix table.

Chair Laumbattus called the meeting to a close at approximately 6:50 p.m.