

Wayne Planning Commission Meeting Minutes
Monday, June 6, 2011

Vice-Chair Lee Brogie called the regular meeting of the Wayne Planning Commission to order at 7:00 P.M., on Monday, June 6, 2011, in the Council Chambers of the Municipal Building. Roll call was taken with the following members present: Jill Sweetland, Derek Hill, Jessie Piper, Jeff Carstens, Vice-Chair Lee Brogie, and Inspector/Planner Joel Hansen. Absent: Kelby Herman, Mark Sorensen, Bill Kranz, and Pat Melena

Motion was made by Commissioner Sweetland and seconded by Commissioner Hill to approve the minutes as presented for January 3, 2011. Vice-Chair Brogie stated the motion and second. All were in favor; motion carried unanimously.

Motion was made by Commissioner Carstens and seconded by Commissioner Sweetland to approve the minutes as presented for March 7, 2011. Vice-Chair Brogie stated the motion and second. All were in favor; motion carried unanimously.

Vice-Chair Brogie read the Open Meetings Act and advised that anyone desiring to speak should limit themselves to three minutes and wait until being recognized by the Chair.

Vice-Chair Brogie declared the next item on the agenda is the discussion of the proposed amended language for Section 90-836 Expiration of Exception Use Permits.

Inspector Hansen informed the Commission that this agenda item steams from the January meeting, with the discussion of the use by exception permit for Dr. Robert Burrows. This is an item that has come before the Planning Commission back in 2007, which is a considerable amount of time. Inspector Hansen opined that he wanted this discussion to take place tonight rather than in July, due to the possibility of public hearings slated for that meeting. Currently Use by Exception permits once granted by Council is good for one year. Construction must begin within one year from date of approval by Council, if not the applicant can ask for a one year extension. Part of the process, the Zoning Steering Committee is trying to find ways to make things a little more user friendly for folks who wish to develop here in town. Trying to eliminate some hurdles so that they do not have to come before Council and ask for an extension. But the Committee realizes that there is concern that if someone gets a use by exception permit and the property next door would sell at some point, whoever would buy the property may not be aware that there was that pending Use by Exception permit. So the Commission needs to consider not letting them sit out there indefinitely with no action. Staff is proposing to change the one year extension to three years and then get rid of the requirement for the applicant to come and seek an extension

and just make it straight three years with no extension. Staff wanted to bring this forward to the Commission for discussion and see what their thoughts are.

Commissioner Hill questioned how many out of ten come back and ask for an extension.

Inspector Hansen stated that in the two plus years he has had this position, only the one from Dr. Burrows came back and asked for an extension. This was the only one in the prior three years. It is something that is not done all that often but the wind turbines were a use by exception last fall. This is part of what is bringing this up for discussion. There is more interest in having alternative energy and some of these are strictly use by exception. There may be more of these coming in the future. The wind tower will be a good example as they got their use back in November of 2010, so the clock is on them, unless the Commission does something, then next fall they will need to come back and ask for an extension.

Commissioner Hill questioned if most people who get a use by exception do something within the first year, which is why they are there in the first place.

Inspector Hansen stated that is what they are finding, like the one for Dr. Burrows, part of that was timing with the economy of course, but staff is also finding, such as the hotel here in town and the wind energy project, is the financing. The climate has changed and anymore the investors trying to get loans and grants, the deadlines for such, string things along to the point it is almost impossible. You don't really want to come spend \$400 to go through the process and ask for a use by exception before you have some of that financing in place; but in some instances, some people will not finance because the use is not allowed and they will make them get the use before the financing process can begin. That is kind of what is dragging things out due to the economic climate change in financing, which could make a year almost impossible for some of these things.

Commissioner Sweetland opined that in most instances, if someone comes before them requesting an extension, it would be granted because the Commission was in favor of it in the first place. So it would kind of a nuisance for the Planning Commission to go back and grant an extension. Commissioner Sweetland was curious as to why three years and not two. Commissioner Sweetland stated she did not have an opinion on the time, but was curious as to the time suggested.

Inspector Hansen stated it was a number chosen by Administrator Johnson. It was just a time thrown out there for the Commission to begin discussing.

Commissioner Carstens questioned what the rationale was for the one year time limit.

Inspector Hansen opined that it was for the property next door or two or three houses down, sold, say for instance the dentist office. The house next door or two or three houses down, would sell within the year and the people that were coming for whatever reason the lenders or real estate agents whoever, did not mention to them that a dentist office is being planned for down the street. So the house is bought, they move in and all of a sudden the houses are coming down and there is all this construction. They looked in the zoning and it is all residential, what is happening, why is a dentist office going up? This may be the reason for the one year.

Commissioner Carstens opined because of the short time frame people would remember it.

Commissioner Sweetland opined that it could still happen within that year.

Inspector Hansen opined that is not typically a question you would ask the real estate agent if anything was planned in the area.

Commissioner Sweetland further opined, especially if you were new to town you would not know those things.

Commissioner Hill questioned what would be more of a tracking issue to keep track of these over a three year time frame. Would it be harder or easier?

Inspector Hansen stated that with the city's calendar set up on Microsoft office, it is not an issue anymore to set that system up three years out and when it is due, it pops up on the calendar and says this timeline is up. You can even set it up for warning four months ahead of time so that you can remind the applicant.

Commissioner Carstens questioned what the disadvantages are to having the extra time frame; the conditions could deteriorate, not moving forward or be canceled on the request. Are there some significant disadvantages to a longer time period?

Inspector Hansen opined that the only downside he could think of would be that it is not in the people's mind that this action took place and someone may remember right away but two or three years later, you may not think of it right away. You are looking for a protection stand-point from neighbors.

Commissioner Sweetland opined that she feels a year goes by awful quickly, especially, when you are trying to get the exception first before they get all the financing in place. She was not for sure if three years was the answer, but increasing it is definitely a good idea.

Commissioner Carstens opined that he was in agreement with Commissioner Sweetland.

Commissioner Sweetland questioned if there was a cost associated with an applicant obtaining an extension.

Inspector Hansen stated that the cost is \$400; one hearing before the Planning Commission (cost \$200) and one hearing before the City Council (cost \$200). This cost is associated with advertising the public hearing and sending out notices to property owners within 300 feet of the subject area; these costs are calculated into that fee, including staff time. Staff will now include a legal description rather than just an address, so that the Council resolution can be filed with the deed at the courthouse allowing it to be easier to track. There will now be a little cost associated with it to be filed at the courthouse.

Vice-Chair Brogie opined that you also want those coming for the hearing to be serious about the request, so \$400 is a serious request. As far as keeping it in people's minds, is there anyway of putting up signage that could stay on the lot until construction began; a sign saying that this property has been approved for a use by exception and then to just contact city hall for more information; does not need to be very big.

Inspector Hansen opined that Section 90-836 Expiration, you could add a section that references, after approval the use must remain posted on the property somewhere a sign with the permit attached until construction commences. It could just be a small posting on the door. Everything is pretty much complaint based, so if someone saw something we would know.

Vice-Chair Brogie questioned how difficult it would be if someone called to see what the use by exception permits had been or are still viable. This may be something the City may want to let the realtors know.

Inspector Hansen opined that we should have something on file and if not city staff can prepare a spreadsheet of the use by exception permits.

Vice-Chair Brogie questioned if a motion was necessary by the Commission.

Inspector Hansen opined that he is just looking for some direction from the Commission, as to what they are going to feel comfortable with, so that this item may be placed on the July agenda as a public hearing.

Inspector Hansen informed the Commission that he had spoken with Commissioner Sorensen regarding the discussion item and Commissioner Sorensen opined that he liked the idea of a little longer time frame, but would be willing to go with the majority of the Commission.

Commissioner Hill questioned if there was time limit on the number of extensions an applicant may have.

Inspector Hansen opined that he understood the code to read that only one extension may be applied for.

Consensus of the Commission was to direct staff to bring draft language to the Commission at the next regular meeting in the form of a public hearing.

There being no further discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Carstens to adjourn. Vice-Chair Brogie stated the motion and second. All were in favor; motion carried unanimously. Meeting was adjourned at 7:20 P.M.

Next meeting date is July 11, 2011