

**Assembly Title 21 Committee Meeting Notes
Wednesday, February 29, 2006**

Pg. 18-19, Table 21.02.1

Public: I question some of the appeal process on this table.

Committee: These will be discussed further when up for adoption

Pg. 23, Public Hearings L27

Committee: You have tape recording listed, is digital OK?

Planning: Good point. Yes

Pg. 24 L1-17

Committee: I question “cross examination” and “subpoena” use here. Is this what we really want to do?

Planning: It’s in the code of regulations, but is new to Title 21.

Committee: My preference is not to include it. I don’t think we want a court situation.

Planning: It’s important for the boards to be able to get the information they need.

Committee: Why not limit it to ZEBA?

Planning: The Bd. Of Adjustment needs it too.

Pg. 25 L35

Committee: Is super majority defined?

Planning: no

Committee: Pick a number, 8 or 9.

Pg. 26 D. Recommended Qualifications L23-25

Committee: Professional experience section does not include engineer.

Planning: This reflects public comment

Pg. 28 L3-6 C Qualifications

Committee: These are required, not recommended qualifications. We should define planner.

Pg. 28 Urban Design Commission B 1 L25-27

Committee: “Northern setting design” and “winter city design”, what are they, do they differ?

Planning: So the UDC can advise the mayor on city design.

Committee: The UDC seems to recommend things that are very expensive.

Planning: This doesn’t give them any authority beyond advising.

Pg. 28 B 3 L 31-33

Committee: This section giving UDC the authority to determine eligibility, is this also for neighborhood and district plans? Why is it here?

Planning: No, this is for overlay plans because they are a subset of other plans.

Committee: It is the practical application I object to. If this is enacted UDC would be able to stop the creation of an overlay.

Pg. 28 L34-35

Committee: What do you mean “the UDC will implement the art funding requirements”?

Planning: You need to read this in relation to chapter 7.

Pg 29 L3-6

Committee: Shouldn't real estate experience be added to this commission?

Planning: Shouldn't that be true for all these boards and commissions?

Committee: I want someone to think about it for the UDC

Pg 29 Geotechnical Advisory Commission

Committee: Who writes their standards?

Planning: Not sure. People rely heavily on this commission and trust it.

Chapter 21.03 Review and Approval Procedures

Pg 34 B Pre-Application Conferences

Committee: How far does the pre-application conference go? What is needed to be submitted?

Planning: Municipality needs accurate information before it allows projects to proceed. Staff goes through a check list. It is designed to be helpful to the applicant. We want to make sure all codes are met.

Pg 35, lines 8, 11

Committee: The percentage increase in size for exceptions to already approved applications has decreased from 25% to 15%. Why?

Planning: This lower figure is closer to current practice (10%). The larger figure was a recommendation from the consultant.

Pg 36, L 11

Committee: Is it the staff's responsibility to list possible modifications or alternatives to submittals? Why?

Planning: If you see a project that may not fly, here are ideas you might consider.

Pg 36, L24-29

Committee: Is this timeline sufficient? It can take up to three months just to get financing. Projects involving wetlands need to go to many decision making bodies.

Public: We may not hear about financing for six months. We would also like to see more than one possible extension.

Planning: Code could change if the process takes too long. We believe the time is sufficient.

Committee: The process you're describing sounds advisory, but the wording doesn't appear to give much flexibility. Why not give the director some leniency to give more time?

Planning: This conference is advisory. It is a discussion. Often the director doesn't have the same depth of knowledge about a project as the counter person who has looked into a project in depth.

Pg 37, L4 Users Guide

Committee: When is the User's Guide coming out?

Planning: Before the public hearings at the end of August

Committee: Legal should check to see if it needs to be adopted by the Assembly as a separate document

Pg 37, L 31-32

Committee: If the application is mailed you should make the date dependent on date mailed, not received.

Planning: There needs to be a complete and timely response

Public: The application is sometimes difficult to complete. Many comments and requests come in after the initial review.

Pg. 38, L26-35 Applicability

Committee: Why not include new cell tower placement in the list requiring community meetings?

Planning: There is another section on cell towers. They are also allowed to be added on existing sites.

Pg. 39, L8-15 Timing and Number of Community Meetings

Committee: This has been changed from 14 to 21 days.

Planning: We were concerned that there wasn't enough time for the applicant and staff to prepare for the meeting.

Public: Two times now I have tried to have a public meeting and the community council said they weren't interested in putting the matter on their agenda.

Planning: The director can waive the requirement for a community meeting. Community council meetings are not always the correct format. We think this approach is more balanced; we'd like to avoid conflict in what the developer has already resolved.

Pg. 39, L 29-30 Attendance at Community Meetings

Committee: When does the applicant deem it necessary to retain an independent facilitator? What happens if they write a summary of the meeting that is not true?

Planning: Public comment should catch it.

Committee: It is too expensive to require staff to attend such meetings.

Pg. 39-40, Summary of Community Meetings

Committee: Is this the best way to get information to the regulatory body?

This section is new and important to discuss.

Public: It should be the applicant who writes the summary.

Pg.41, Table 21.03-1

Committee: What are minor modifications?

Planning: Director granted variances

Committee: This table has expanded. You have added new items.

Planning: Some, the parentheses here are supposed to be check marks.

Pg 43, L 1-6

Planning: The language about “maps delineating areas of service for branch facilities” comes from the community council enabling ordinance.

Pg. 43, L30-31

Committee: Why not say posted notices shall be removed after the public hearing?

Pg. 44, L1-8, Concurrent processing

Committee: This is not consolidated decision making. It is simultaneous processing.

Pg. 45, L14

Committee: You should omit the term “precise”; it will lead to debate.

Pg. 45, 39-40 New Application Required

Committee: What if the decision is not made within the year, but it was not the fault of the applicant?

Pg. 47, Approval Criteria

Committee: Why try to limit the Assembly like this? What happens if the Assembly makes a new amendment?

Planning: There should be some criteria for decisions.

Pg. 48, L 17

Committee: What is the comprehensive plan map?

Planning: The land use map

Committee: Let’s call it that

Pg. 49, L 42-45

Committee: I don’t think it will work to limit Title 21 amendments to twice a year. It is hard to see that as reality

Planning: We need to try.

Public: Amendments are hard on the building community. Regulatory changes have to be factored into decisions.

Committee: It is hard to write code in a manner that foretells all potential impacts and problems. When Title 21 rewrite is adopted there will have to be many changes as we grow more aware of impacts.

Pg. 51, L14-18 Successive applications

Committee: This appears problematic. The entire Assembly could change course. This limits the Mayor and the Assembly too much.

Public: This calls for three-fourths, do you mean 8?

Next meeting Wednesday, March 08, 2006