

**PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 22, 2018 AT 6:00 P.M.
IN TOWN COUNCIL CHAMBERS**

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chairperson, Eric Plaag-Vice Chairman, Frank Veno, Michael Sanchez, James Hedrick, Chris Behrend, and Nancy LaPlaca

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections and Brenda Henson-Board Secretary

CALL TO ORDER

Chairperson Shay called the meeting to order at 6:00 p.m.

ADOPTION OF AGENDA

Vice Chairman Plaag made a motion, seconded by Commission Member Sanchez to adopt the agenda as written.

Vote: Aye – All
Nay – None
The motion passed.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES

Vice Chairman Plaag made a motion, seconded by Commission Member Veno to approve the September 24, 2018 Planning Commission meeting minutes as written.

Vote: Aye – All
Nay – None
The motion passed.

CASE PL01808-082218

The Town of Boone has initiated a UDO Text Amendment to require Council to select the Chair and Vice-Chair of the Board of Adjustment and Planning Commission.

Ms. Shook noted that, at the September 24, 2018 meeting, Planning Commission voted to table this case in order for Town Council to further discuss the proposed process. Ms. Shook noted that Council had a long discussion and suggested the following:

- Board members who are interested in becoming Chair or Vice Chair of the Planning Commission or Board of Adjustment must submit an application which to Staff who would then forward the applications to Town Council for consideration.
- On the application the applicant would commit to having or commit to obtaining an understanding or knowledge of State Law, the UDO, the Comprehensive Plan, Roberts Rules of Order, and commit to upholding the Comprehensive Plan and the regulations associated with text and map amendment requests.

Ms. Shook noted that Council was interested in hearing the Planning Commission's feedback on the proposed text and process.

Vice Chairman Plaag felt that the Planning Commission should consider the applications first and then make their recommendation to Town Council of who should be appointed.

Vice Chairman Plaag questioned a few items contained in the staff report and it was determined that the updated staff report had not been placed in the packet. Ms. Shook stated that the updated report contained minor changes.

Vice Chairman Plaag wished to note that there seemed to be a conflict between the Town Code and the UDO regarding subcommittees and felt it should be made clear whether or not Town Council had to appoint subcommittees or if Committee members could appoint subcommittees themselves.

Chairperson Shay stated she did not feel she was qualified to be the Chair of the Planning Commission based on the requirements to uphold the Comprehensive Plan suggested by Town Council because she felt that though she agreed with portions of the document that she felt that it did need to be updated. Vice Chairman Plaag felt the requirements meant that, in their role, they should use the Comprehensive Plan to fulfill their duties as Commission members.

Commission Member Behrend asked how the applicant would be tested to make sure they had the knowledge required to qualify as a Chair or Vice Chair. Ms. Shook explained that the Council wanted Chairs and Vice Chairs to understand the importance and responsibilities of the positions. Commission Member Behrend felt that making the statement that that you would be responsible did not really mean anything and could just be empty words.

Vice Chairman Plaag asked where the applicant's pledge of responsibility would be documented. Ms. Shook stated there would be documentation in the Town Council minutes when they considered the applications.

Vice Chairman Plaag stated there was some question about whether the Town Council or the Board/Commission itself should make the selections. He felt the Board should review the applications first and make recommendations to Town Council for their approval. Vice Chairman Plaag noted this approach would seem less like a power grab and more like cooperation between the Boards and Town Council. Commission Members Hedrick and Sanchez agreed with Vice Chairman Plaag and Commission Member Sanchez added that he thought this suggestion was a good middle ground.

Commission Member Veno asked if it was true that Town Council currently had the right to name Chairs and Vice Chairs. Ms. Shook stated that was correct but noted that Council had not exercised that right.

Vice Chairman Plaag suggested that, if multiple applications were submitted, Planning Commission should vote on the applications and then recommend to Town Council the applicant who received the most votes.

Chairperson Shay questioned having Town Council choose and then giving Board members veto power. Ms. Shook stated that Town Council did discuss that option but that did not choose that route for the process but noted the Planning Commission was open to make recommendations back to the Town Council who had expressed interest in hearing from the Planning Commission.

Vice Chairman Plaag felt that having the Planning Commission make recommendations to Town Council for Chair and Vice Chair was the most democratic way of handling the situation and would be more in line with how the Planning Commission worked as a recommending board.

First Motion and Vote

Vice Chairman Plaag made a motion that the proposed amendment to the Town's zoning ordinance is not consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it is not in comportment with Comprehensive Plan policy 2.3.4 (A) *Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public.* The proposed amendment is also not consistent with UDO Section 2.02.01 which specifies that the Planning Commission reviews and makes recommendations to the Town Council pursuant to Section 2.02.06 and specifically in that section it is not consistent with UDO Section 2.02.06 (A)(4) which lists the powers and duties of the Planning Commission as including the role of developing and recommending to the Council policies, ordinances, administrative procedures, and other means of carrying out plans in a coordinated and efficient manner. The proposed amendment is also not consistent with UDO Section 2.02.05 (B) which indicates that the Chair and Vice Chair may take part in all deliberations and vote on all issues. The motion was seconded by Commission Member Behrend. Chairperson Shay wished to amend the motion to strike reference to Comprehensive Plan policy 2.3.4 (A) because she felt the public involvement concerns were not really affected by this issue. Vice Chairman Plaag stated he was okay with that and also wished to strike the reference he had made to UDO Section 2.02.05 (B) because it was circular to cite that since it is the section they are trying to revise. Ms. Shook pointed out that this would remove the only reference made to the Comprehensive Plan policies. Chairperson Shay suggested replacing 2.3.4 (A) with 2.3.4 (D). Vice Chairperson Plaag and Commission Member Behrend accepted the amendments.

Vote: Aye – All
Nay – None
The motion passed.

Second Motion and Vote

Commission Member Hedrick made a motion that the Planning Commission recommends denial of the proposed amendment to the Town's zoning ordinance and believes denial is reasonable and in the public interest because the amendment as proposed is not in alignment with Comprehensive Plan policy 2.3.4 (D) and UDO Section 2.02.06 (A)(4). Commission Member Behrend seconded the motion. Vice Chairman Plaag wished to amend the motion to add the proposed amendment has a chilling effect on both the function and purpose of the Planning Commission and does not encourage democratic participation of the community in advisory boards related to Town Council. Chairperson Shay wished to amend the amendment to say this had the potential to cause a chilling effect. Commission Members Hedrick and Behrend accepted the amendments.

Vote: Aye – All
Nay – None
The motion passed.

Motion

Vice Chairman Plaag made a motion the Planning Commission recommends to Town Council that the proposed UDO text amendment be revised and resubmitted to the Planning Commission for consideration to state that both the Chair and Vice Chair of the Planning Commission will be selected in two phases. The first phase to consist of the Planning Commission reviewing applications as already proposed by Town Council. The Planning Commission will then discuss and vote on those applications and based upon those

votes through an internal procedure to be determined at a later date, Planning Commission will make a recommendation to Town Council regarding both Chair and Vice Chair for the coming one-year term with a similar procedure recommended for the Board of Adjustment. The second phase would then consist of Town Council reviewing that recommendation voting on that recommendation. The motion was seconded by Commission Member Sanchez. Chairperson Shay wished to amend the motion to add that Planning Commission wishes to note that they see value in having stated requirements for knowledge and commitment for Chair and Vice Chair and also appreciate having a lower threshold for regular Planning Commission members in order to encourage the widest possible participation. Vice Chairman Plaag and Commission Member Sanchez accepted the amendment.

Vote: Aye – All
Nay – None
The motion passed.

OTHER MATTERS

Ms. Shook noted that the regular December Planning Commission meeting would fall on December 24, 2018 and may need to be rescheduled. She stated this could be decided at the November Public Hearing.

Ms. Shook updated the Commission on Council's approval of the three text amendments heard at the September Public Hearing and also noted the request for a joint meeting regarding Transitional Zones will be scheduled at the November Public Hearing.

Commission Member LaPlaca announced that she was resigning from the Planning Commission. She stated that with her work schedule and also being in the Sustainability Committee she just did not have enough time to devote to Planning Commission. Ms. Shook thanked Ms. LaPlaca for her service on the Commission.

ADJOURNMENT

Vice Chairman Plaag made a motion to adjourn the meeting at 6:54 p.m. The motion was seconded by Commission Member Venno.

Vote: Aye – All
Nay – None
The motion passed.

Elizabeth Shay, Planning Commission Chairperson

Brenda Henson, Board Secretary