

2. PUBLIC HEARING AND CONSIDERATION TO RECOMMEND AN AMENDMENT TO ORDINANCE 11-4, VARIANCES AND ADMINISTRATIVE INTERPRETATIONS.

Craig Barker introduced himself to the audience. He explained that this ordinance was passed in 2011 and was barely a year old. This ordinance has to do with applications for variances to the zoning ordinance, which is the City development regulation. He said if someone had a hardship or wanted to encroach on the zoning requirements, the appeal authority hears the appeal from the decision of the Land Use Authority, which is the Planning Commission, or the administrative official. They hear the request for a variance to the standard and that request is very strict following requirement under state law as to what the appeal body can do. The ordinance allowed the City to decide how they were going to handle those appeals to the zoning ordinance. He stated the City elected to disband the Board of Adjustment a few years ago, and he said he thinks some of the Commissioners may have served on the board, and used the Justice Court judge as the administrative court judge to hear those appeals. It was thought that the judge's understanding of law and variances made him a good person to do that rather than a board of citizens without the education necessary to hear the appeals. That method worked for a short period of time. He said he was not sure he is using the correct words, but through judicial review that the Justice of the Peace court judges cannot act as administrative court judges and so the City has elected to provide for a hearing officer. This ordinance just changes that to allow the City to appoint a hearing officer. Now Mr. Call, the City Attorney, went through and made these changes.

Commissioner Brown asked what the qualifications would be for the Hearing Officer. Craig Barker replied he did not know. Commissioner Brown asked what he anticipated the requirement to be. Jon Call said it would be someone familiar with land use law; it would be someone who essentially applied for the position and was interviewed. Commissioner Russell asked if it was a paid position. Jon Call said yes, it will most likely be another attorney who is also a City Attorney from another municipality.

Craig Barker said some cities have hired people who have professional qualifications within that realm; this ordinance will also allow the City to do so. He then explained that the Planning Commission needed to make a decision and a recommendation to the City Council, after they listen to the comments during the public hearing, which was advertised. He stated he has had no calls concerning this and he did not expect to have any. He said the Planning Commission can take any public input that people would make in regard to this ordinance, after which he suggested the Planning Commission make a motion to forward it to the City Council either as approved or denied, or however the Planning Commission sees fit.

The public hearing opened at 6:38pm.

Jon Call reminded the Planning Commission and audience that the public hearing just for this ordinance. The other agenda items will be discussed later.

The public hearing closed at 6:39 pm.

Chairman Residori stated that he was on the Board of Adjustment and that it was almost impossible to get a variance.

Commissioner Thomas made a motion to amend the ordinance 11-4 for the appropriate changes that staff has made. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Dalpiaz	yes
Commissioner Brown	yes
Commissioner Russell	yes

The motion passed unanimously.