

**CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
JANUARY 28, 2019, 6:00 p.m.
Park Rapids City Hall, 212 Second Street West
Park Rapids, Minnesota**

1. CALL TO ORDER: The January 28, 2019, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m. by Chair Bradow.

2. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON: A motion was made by Petschl, seconded by Newman and unanimously carried to nominate and elect Dick Bradow as Chairperson.

A motion was made by Stone, seconded by Newman and unanimously carried to nominate and elect Tom Petschl as Vice Chairperson.

3. ROLL CALL: Present: Commissioners Dick Bradow, Thomas Petschl, Nancy Newman and City Council Member Liz Stone. Absent: Bruce Johnson. Staff Present: City Planner Andrew Mack and Planning/Administrative Assistant Carmen L. Lockhart. Others Present: Robin Fish of Park Rapids Enterprise. (Fish left at 6:30 p.m.)

4. APPROVAL OF AGENDA: A motion was made by Petschl, seconded by Bradow, and unanimously carried to approve the agenda as presented.

5. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF NOVEMBER 26, 2018: A motion was made by Petschl, seconded by Stone and unanimously carried to approve the November 26, 2018 Regular Meeting Minutes as presented.

6. GENERAL BUSINESS:

6A. FAIR, STEVENS AND FRONT AVENUES NEIGHBORHOOD LAND USE MAP AMENDMENT (Eickman & Paurus):

Mack stated Eickman and Paurus requested to amend the Comprehensive Plan for their properties. Mack stated he did a study area containing 101 parcels which is an expanded area from the three parcels owned by the two landowners. Paurus' parcels contain a vacant lot and a single family dwelling on the west lot. Eickman owns a vacant lot in the northwest part of this study area and the City through it's planning agency has the right to, when a Comprehensive Plan Amendment is made, look at a larger area and that is the decision that was made in this case. The question becomes why do they want to change the Comprehensive Plan. Mack said we need to talk about this and since I wasn't here for the adoption of the original Comprehensive Plan, in relation to how we apply that and implement that through the Zoning Ordinance became a little unclear to me in terms of the fact that this area is shown in yellow is guided as a future land use for single family on the adopted Future Land Use Map. When I looked at this originally, it said single family it doesn't mean two or three family nor does it mean four

family, it's single family. But as I started reading deeper into the Comprehensive Plan to understand how this request is going to shape out. Given some previous analysis of other studies that have been done around the community, there were some larger discussions about the zoning and land use map and it appeared that some findings had been made by this body in the past that concluded that a two family dwelling use was consistent with the plan as shown for single family future land use. So I was a little confused by that. When you read into the plan, the section dealing with housing talks about single family and multi family and less clear about the single family including multi dwelling units, much more clear about multi-family future guided land use as referred more specifically to apartment building. My sense, on the outset of this discussion is that we're sort of missing a section of the plan talking more about medium density. It's a fairly common practice in a number of communities but apparently not employed here as part of the plan that was done ten years ago. So, therein lies a bit of a question as to whether or not, based on the request being made right now which is essentially to build two family dwelling units on these individuals lots, is whether or not we actually need to consider a very minor amendment to the plan to create a new category in the legend that says medium density. And perhaps consider a short write up, already started to be talked about in the staff report. Or can we just simply handle it through an interpretation of the plan that says no we don't actually need to amend the plan, they can just seek a zoning change.

My concern about a zoning change is we are guiding this area all to single family and we don't have any other within the immediate study area zoned already for an R-2 or R-3 or R-B this begins to look on it's face as spot zoning and that's not a practice that we want to get in the practice of doing. So let's take a closer look at what we have in the area starting with how land is currently used in area. Within the area we have a few parcels that are currently vacant – 5 including the two subject properties, there is some single family use, some two family dwelling uses for duplex and as we look outside the study area to the south there are a number of higher density units on Fair Ave to the south, including a mixture of multi story apartments and some twin homes and possibly some quads. Of course on Highway 34 we've some higher density commercial uses.

Mack stated he visited with Bradow before undertaking and did research and found out this area was looked at before some zoning changes were made however the changes were made outside the study area to the east and closer to the courthouse. They were zoned R-1 in response to the types of uses that may be occurring within a single family dwellings so as not to increase that usage. There were also changes made to the east side of town to accommodate those uses and two family dwellings and some districts changed to R-2 and there are some twin homes built there. That particular use is not something that is proposed at this point in time but they did express interest and want to build two family dwellings and set it up as a newer structure and provide newer homes for rental properties. Mack stated as part of the study he wanted to look at how this area is actually used. As you can see on the shaded yellow sites, there are a total of 28 rental units located in the study area which accounts for about 28% of all of the dwelling units and the other 72% are owner occupied. This is still a fairly strong single family condition of the neighborhood and has not completely gone rental. Albeit older houses are between 50 to 70 years old in this neighborhood which is pretty typical for the urban core of small rural towns in Minnesota as you will see the oldest homes are built closest to the downtown. This is about 3% of the community's rental inventory which is not a huge volume in this area as compared to city wide 900 rental units, but it is a fairly significant number for this immediate study area, particularly in terms of the percentage of rental homes which is over a fourth of the area for the parcels in the study area.

Mack said what he would suggest to the commission is somewhat characteristic of a transition or a change in the characteristic of the area itself. It really begs a question about whether we want to look at ways to encourage new construction to go into an area that feedback wise what I'm receiving from at least a few folks that I've talked to as applicants indicate that's not the type of investment they are moving to make in this area in terms of putting a lot more money into fixing up older homes. Rather it would appear that the interest is more in removing them and creating new structures that have the ability to provide for a higher return on investment from the private sector standpoint. Obviously not our only concern as a community, but it is certainly a consideration that we need to take into account with regard to the private marketplace when it comes to finding decent, affordable, reasonable housing. I think the other point that we also may want to consider as we begin to perhaps look for areas closer to the urban core. We have the opportunity to promote higher densities which have existing infrastructure in place and less investment is required to extend those types of services to areas like near Wal*Mart that has received a grant through the state. I know this commission discussed that subject and there was some discussion about the opportunities to look for areas to help promote higher densities closer in to make more wise economic use of the infrastructure that is already in place.

Also I would say that there may be opportunities through redevelopment to some extent in this area and perhaps also through city policy to begin looking at the opportunities to provide better quality sidewalks. Especially as we start to get more younger families in this area, in particular in close proximity to the school, that we build more sidewalks and connections for safe crossings across Hwy 34. In particular because of the proximity here this is a walkable, bikeable neighborhood to the school. We should continue to promote to the extent possible, healthy practices for our young folks to be able to walk, hopefully under the proper supervision, to school given the fact that this is close enough proximity to allow something like that. So there can be a policy put in place and changes made to the ordinance that would potentially require sidewalk improvements to be made or paid for as an upfront assessment as an agreement or as condition of building permit in order to begin redeveloping or building on parcels in the community where there is a plan in place to improve sidewalks. That is something that we would have to look closer at but it's one of the things that is part of the long range plan that we should be thinking about as a community.

Mack said the only other thing I wanted us to do is to review beginning on page 18 some of the excerpts of the Comprehensive Plan that I think do relate more specifically, directly or to some extent to the study that is before us tonight. There are some general goals and it says that we should be looking at the Comprehensive Plan as necessary to make sure that it's practical, it's still current and related for future development and that it's helping us to make good decisions when it comes to zoning. This is the exact case before us because the request initially here is for rezoning of the property and so we certainly want to rely on our plan to help us guide us in make those types of zoning decisions. Also, that we want to actively encourage and utilize resident participation in the local decision-making process. If we send out notices to 101 parcels owners and those folks within 350 feet of this area that we're looking at updating the plan for this area, it would be likely that we would receive some participation from folks that live in the area to assist the Planning Commission in doing its work.

Mack explained that as we begin looking at some of the land use goals making sure that we have orderly growth for residential development and that we can be effectively served by public improvements and that the character and quality of the

existing neighborhoods can be maintained and enhanced. My point to you on that in my report is that I think that is a prime example of the request that we have before us. As we look at this larger area, if we were to make a decision consciously that we want to guide this area and allow for it to make slight increases in density towards more of a medium density. That can be done on a case by case basis where we look at each individual property to make those decisions to determine what type of plan would be put forward for the site as part of the zoning change. Is it suitable, is the size large enough to accommodate that type of use and if not, how close is it to being to able to accommodate the intended use they are requesting? In particular in this case where we know they have existing utilities and streets and so forth in place already. Also, not knowing exactly what the CIP is for this area, I know some of these areas are more of a rural section of street, there not your typical more modern curb, gutter, stormwater, drainage improvements, sidewalks, this area is lacking some of that. By the ability to begin redevelopment of some of these lots increasing value, those types of considerations then become more economically viable by the fact that let's say you did have a two family dwelling there is a higher value to the property, the ability based on income property to help pay for an assessment might be more viable in that situation than it might be for someone who has an older single family home is limited in size and maybe have limited resources. Especially if it's a situation where it might be fixed income and those types of concerns do come up – street assessments are considered and again I don't know if that is part of the future CIP over the next ten years or not. But in terms of the viability of that, increasing the value over time of an area can make that an easier sell to the neighborhood. We certainly want to continue to encourage the construction of multi family in areas that are suitable for this type of development and that's a discussion that's before the commission with this request for this area.

Land Use Goal #4 for promoting cluster development the policy says we should review the zoning ordinance to promote cluster developments through the use of PUDs. Planned Unit Development can be a good technique say where we had a situation perhaps where we had accumulation of multiple parcels at one time we have the ability to come in and maybe do a more creative style to development becomes a possibility under the use of that tool, which is a flexibility tool for helping to promote some open space as well as higher density within the amount of land area available for development.

Some of our Housing Goals on page 24 promoting availability through affordable housing throughout the community is clearly stated as a goal. Of course, we want to keep in mind we not only want to promote affordable housing but want to promote housing choices of a full range of housing choices as a part of our housing goals throughout the community. This situation also directly relates to encouraging private development for resources and investments in promoting more housing opportunities within the community. Goals 4 and 5 encouraging dispersion housing of all types we mentioned already. Through first time home buyer programs, I do want to say that can be a viable method for someone to come in and own a new home and live in half of it and use the other half to support their first time home buyer efforts by having maybe less resources at an earlier stage in a family or individual's life and might help promote in their home ownership they might have the other half they could rent out to be able to make payments on their mortgage.

Moving into Housing Goal #2, Continue to maintain a high quality living environment by supporting improvements when necessary. So encouraging rehabilitation or redevelopment of substandard housing we clearly have examples in this study area that relate to this allowing for some increases in density clearly would

help to support this policy statement by encouraging infill housing in areas of the city that are already served with infrastructure which we've already touched on. This would serve as a prime example to that and also to allow construction on nonconforming lots where appropriate. Well again we would take on a case by case basis as a zoning change request would come before you. Because again, looking at amending the plan does not mean that the zoning automatically changes. We would allow that to occur as a timing control for this and the city still has at its disposal ability to amend the plan to allow the zoning changes to occur but yet to allow the zoning changes to occur on an incremental case by case basis allowing greater control by this body.

Policy 4, page 25 of packet, talks about adopt, enforce and evaluate necessary codes, inspections, procedures, ensure continued maintenance of city housing stock including the adoption of a housing code. Well, I checked on that statement there and we have not considered by the council adoption of a housing code. A housing code is something that gives stronger teeth in enforcement like the rental code and inspections and really it's a more appropriate practical approach by community to address things beyond basic life safety things that do help maintain the quality of the neighborhood like looking for chipping, missing paints, broken soffits and screens and windows, and messy yards and this kind of stuff that is actually an international or national code for housing maintenance. This is something that other communities that I've worked in have adopted where they are taking a more proactive vigorous approach of the city's housing stock which potentially apply not only to rental properties but also, owner occupied properties as well. I'm not necessarily advocating for that but just wanted to point it out that it was in the plan. Also, creating policies for upgrading maintenance of older homes to be sure that an adequate amount of affordable housing is maintained. There are programs out there to help with that sort of thing through weatherization programs and through things that the DAC provides here locally including weatherization and insulation and things like windows, improved siding and those types of programs. So, those are all out there but to what extent we are seeing that occur in the study area, I don't have a good handle on. But I know that we had just issued a building permit for replacement of a roof on one of the applicant's housing that's still there, Mr. Paurus. There are some improvements being made but I'm not hearing from them the intent to want to put that amount of fix in as Mr. Paurus actually bought two lots and tore down one of the houses and that probably would have been viewed as an upgrade in the neighborhood creating some green space on a vacant lot until it's time to build again. This is what he's talking about doing which was Housing Goal #4 for increasing residential building sites in the community and looking for renewable or dilapidated lots for removal and hopefully reconstruction at some point, again where infrastructure is in place. Also, #5, identify areas in the community and outside the corporate limits to locate additional single family residential development to increase the ratio of single family residential verses multi family residential. Apparently, this is a policy and we want to encourage more single family development and the question is in this study area is this what we want to promote for this area. Is this something that we can reasonably expect the private sector to step forward to do and the answer is I don't know, but what I'm being told they don't think so and that is a consideration that this body will have to take into account in this discussion.

Mack remarked a couple things in transportation, we talked a little bit about safe biking potential safe access to the school on page 26 of packet restricting urban development that cannot be served with municipal utilities which is something again if looking at urban core, verses where we may have available elsewhere or not, in this case we know that we do and so I think that certainly applies in this situation. I know in talking with the utilities superintendent there are some areas that he felt needed a little

bit of an upgrade or some looping to promote interconnection or redundancy for increasing or maintaining fire flows so there was a small area that needs to be looked at closer. Again with new construction we have the opportunity to address those shortfalls and we can address and get those types of things corrected as infill and new development occurs.

Page 30 of the packet – Basic Planning Provisions – zone property in accordance with the Comprehensive Plan which is the reason we are here talking about this tonight. And looking at some of our breakdowns of land uses on the next couple of pages and how we go about implementing the plan I thought it was important to look at some of our housing types and pointing out we do have on page 33 a section devoted to talking about single family residential and to allow us to start looking at other growth areas in the community. But then we do go into multi family where it begins talking about apartments so this is where we may want to have a little more discussion about do we need another section in this plan talking more about types of housing units between two and four dwelling units per lot types of uses?

Mack asked the commissioners for this input and there was lengthy discussions concerning the following topics or points:

- The proposed vertical two family home layout plan from developer Eickman and survey of lot and road encroachment into the lot and the need for a possible variance as the lot is substandard in size but may fit under substandard lot provisions in ordinance.
- More discussion on medium density and two family homes.
- Addressing less than 100 ft. lot requirements and not having to go through variance process as a code update.
- The Comprehensive Plan not delineated with respect to single family residential but within our Zoning Ordinance we do have medium level density – R-2, R-3 & R-B but just not designated on Comprehensive Plan as such.
- The very high cost of updating the Comprehensive Plan was discussed as well as the cost of changing the Zoning Ordinance especially if it only changes a shade of color on a map as we have R-1, R-2, R-3 and R-B in our zoning codes which drives a recommendation to the City Council as to being allowable in a particular zoning district as currently exists now.
- One alternative is saying this commission believes this area may be suitable for medium density but we don't necessarily need to change the Comprehensive Plan to do that as long as we support that type of zoning change in the study area as then it wouldn't be considered spot zoning it would be incremental zoning to achieve the plan policies or if we want to change the map and write a small paragraph and adopt that and then let applicants proceed with zoning applications.
- Updating the Comprehensive Plan at a later date for the whole city.
- Density housing uses concerning state licensing facilities and multiple families or occupants in a single family homes or twin homes.
- Number of rental landowners in study area.
- What action or consensus to study area and/or individual requests for zoning requests and Comprehensive Plan changes, the procedures of making the changes.
- Another option is having a discussion and obtaining the consensus of the commission to not change the plan at this time and do update in the future and allow applicants to proceed with zoning requests;

- How the Planning Commission interprets the Comprehensive Plan as applied to this neighborhood and address the plan now or later?
- Mack explained spot zoning wouldn't be an issue pursuant to saying that if we incrementally make a change in zoning on a case by case basis is okay as it helps to implement the Comprehensive Plan with our housing goals.

Bradow stated in his opinion he is okay with addressing the Comprehensive Plan later because whether it is an R-1 or an R-2 in my opinion it still follows the Comprehensive Plan and just because the Comprehensive Plan doesn't stay medium density in the legend, that's not how I interpret the Comprehensive Plan as we have R-1, R-2 and R-3 in our Zoning Ordinance. Stone stated after more clarification she agreed. Nancy Newman agreed.

The consensus of the Planning Commission is that a change of zoning would not be inconsistent with the Comprehensive Plan as it is currently stated and to allow the applicants to proceed with their zoning applications for a higher density. The Commission agreed that this area warrants a slight increase in density allowing for two family dwellings and to allow zoning changes to be made on a case by case basis.

Bradow asked if we would rezone the whole study area? Mack said no we would not be rezoning the study area, we would only take zoning actions on the applicant's properties. We have interpreted the plan to say that these zoning actions would be consistent with the Comprehensive Plan for medium density. We would take their application and process it as a zoning change.

There were more questions concerning spot zoning? Mack said the zoning is R-1 but the Land Use Map is reads both single and two family and so changing that would be consistent with the Comprehensive Plan. Now if you're going to make a finding on a spot zoning because there is nothing surrounding it in the individual case, a better example would be this is guided for residential and if somebody wanted to come in the middle and change a lot to commercial, that is a different story. That's probably spot zoning at that point because it's not guided for two family like this would be based on your interpretation of the Comprehensive Plan, this is guided for two family dwellings, so I would not interpret that as spot zoning at that point. Bradow said he had a different view but if that's how it works. Mack responded but this body has to make that finding, staff makes a recommendation to the commission and they make a recommendation to the City Council for their action. You have examples of that elsewhere on the map – pockets of R-2 surrounded by single family.

There was further discussion concerning the zoning map, the amenities close to where the applicant's properties are, looking at a higher density in the area.

There was also discussion concerning variances and making nonconforming lot restriction changes in the zoning ordinance in the future.

Mack reiterated if he understands the direction of the commission, he will tell the applicants the interpretation of the Comprehensive Plan is that zoning actions will not be perceived as inconsistent with the Future Land Use Map and Comprehensive Plan and we will amend their applications to be a zoning change request to R-2 and process it. Updating of the Comprehensive Plan when we address that in the future we will reexamine the neighborhood and address it at that time when the overall plan update is done and allow them to proceed with a zoning change. I will also examine the code to lot size, etc.

Mack said the applicants aren't in any rush on this so we have more time so we will delay the zoning change until the March meeting for public hearings. At the next meeting we could examine the substandard lot conditions and what possible changes we might want to entertain as part of the zoning code.

Bradow asked the commissioners if they agreed and they all said they agreed.

7. INFORMATIONAL/DISCUSSION:

7A. Discussion of Zoning Ordinance Regulations regarding Cell Towers and New FCC laws: Mack advised the City Council approved this at their last meeting on the basis of the recommendation of the FCC Order that regulates cellular type stuff that has been deregulated and they put into place some requirements that no longer allow cities to be more restrictive than the federal law. When local controls have been preemptive with regard to aesthetics, how long to process applications for 5G type facilities which is instead of big tall cell towers the emphasis is going towards small cell wireless and the packet shows pictures. The City Council adopted guidelines how we want them to look in the public right of way which is regulated at the council level primarily from the standpoint of public works. So if it's our light pole and we allow someone to put their equipment on our equipment, then we have to enter into an agreement for doing that. Mack explained he brought this to the Planning Commission so you would be aware of it and the council had to adopt before April 15th otherwise the FCC order went into effect on January 14th or 15th but come April 15th we can't retro actively after that adopt more stringent aesthetics guidelines or standards as to what it can look like. The city attorney recommended his client communities adopt these standards to get it in place and we may have to work on our right of way ordinance and what the League of MN Cities is doing on standard language for agreements the standard boiler plate ordinance for work in the right of way.

Mack explained he brought it to the Planning Commission because what if they want to put it on private property and that's where zoning comes into play and we do have to consider whether we want to regulate that or not. Right now based on the way our ordinance reads, that would become a Conditional Use Permit because that would become a communication transmission and reception systems including but not limited to free standing satellite dishes, towers and or antenna provided that any ground case device is located in the rear yard. These small cell wireless would fit within that definition so we are going to make them go through a Conditional Use Permit which in my opinion is something that should easily be handled administratively by the staff by permit. We may want to apply the aesthetic standards for the guidelines for the public right of way over to the private property. Regardless, we need to look at the Zoning Ordinance as it's not provided for right now.

Mack mentioned the differences of a monopole and lattice structure, small cell wireless, and that would trigger a CUP which to him would be an ominous overly burdensome process to have to go through just to get permission to put it on somebody's building on a small thing like this that is no bigger than a transformer for a power line. This is just an update for you that we have some work to do on this as well.

Petchl stated a number of concerns and said not enough information has been provided and would like to see exactly how this is laid out, where are they drawing power from, is disconnect in a cabinet, is it locked, wattage used, etc. and suggested prior to April to look at how these are installed at this time because there are a lot of

things that could change and effect these. Mack said he hopes to get more info from League of MN Cities. Petschl commented having been in that field he understands what they are trying to do and all the problems that can come from it and I don't think a lot of people do.

Bradow commented he sees nothing addressed for abandonment if someone puts a pole in my backyard and it becomes obsolete you have to have something for abandonment. Mack said if it is a city agreement, it spells out the terms. Bradow asked what if on private property and Mack said that is an agreement between the property owner and cell provider.

7B. Update on Meadow View 28 Unit Workforce Housing Apartment Project Grant: Mack advised the City Council agreed to serve as a pass through entity for a grant application from the state and the HRDC initiated this along with their role as the Hubbard County HRA staff and through an identified need in the housing of this area. Park Rapids put in a grant to the state for a half million dollars and got it approved. It is not funded yet but has been approved for funding by the state. Hubbard County HRA has put together a program grant to get this constructed and have selected a site that has gone into foreclosure and the bank in order get it out of foreclosure and write it off has agreed to donate the property to the county HRA to build this 28 unit complex. The good news is there is a half million dollars from the state for housing for Park Rapids. The council agreed to accept that grant and now the planning stuff will be coming to you pretty quick as they will be working with HRDC and county HRA as they need a Comprehensive Plan Amendment for Future Land Use Map as it is now guided for commercial and they want to see it developed for both commercial and multi family. We will need a zoning change from B-1 to R-3 and a Conditional Use Permit to allow greater than 8 units in an R-3 District.

Lockhart reminded Mack they need to plat the property as well.

Mack advised the council authorized their city engineer to look at what it will take to put a street in there and give them access and drainage issues that have not been addressed for this part of the city. There was approximately \$150,000 included in the grant for street improvements and costs for up front engineering.

The apartment building will be market rate so no income guidelines to there will be affordable 1, 2 and 3 bedroom apartments at \$575, \$625 and \$675. There is a concept plan in the packet.

7C. Update on HRDC Community-Wide MPCA Brownsfield Phase I Environmental Grant: Mack advised the City Council adopted this resolution and the Mayor signed this letter to authorize HRDC to make a multi community grant and so now it's just a general grant without any specific properties identified and that would be the next subsequent step if the grant is funded. They applied for \$600,000 for a grant for four different communities, Bemidji, Bagley, Park Rapids, and Red Lake Nation. This would help with Phase 1 Environmental Analysis of a site which is sometimes required for bank financing. I put the offer out there for the gas station redevelopment for the Simonson property if that's something they will have to do for their financing. If we get this grant approved that's the ideal candidate situation for that type of analysis. It's not something we would require or force a landowner to do and if the city did it itself on land we own that we knew was contaminated then it would certainly behoove us to want to accept the grant with regard to any future implications to proceed with cleanup of the site once identified. There are different levels of phases and standardized protocol. We

may or may not be able to take advantage of it but the council said to make sure it is available to us. Mack asked if anyone is aware of a site please let him know.

7D. Discussion of Permitted, Conditional and Prohibited Uses by Zoning District: Mack said this is along the lines of looking at the zoning ordinance and making changes, is this something that might be of interest to the commission? It's just a different way of making it more user friendly of how you apply the zoning ordinance to understand where a use is permitted and where is it conditional and where is it prohibited. This is an example from Bemidji that I started.

There was discussion concerning the work to change the ordinance to this. There was discussion on discretionary items being pointed out more clearly.

Bradow inquired what is interim use? Mack explained an interim use is a specific use that terminates upon a specific date or occurrence once approved through the same process as a conditional use permit. A time occurrence might be a permit would be valid for 20 years and then it terminates. An occurrence might be the use runs for a period of time and then the ownership changes – that is an occurrence – that permit automatically terminates without being renewed by the new landowner so you might have a change of ownership which might be a different scenario. Normally it wouldn't be if it is the same exact use but it does give you the rights to do further investigation from the actual owner of the land or the permit holder to make sure they are going to be capable of continuing the manage and operate an interim use on the same conditions of the original approval. It also allows you to review it so that conditions haven't changed or other things like compliance violations, you could revisit the whole permit at that time with the change of ownership. Another example of an occurrence where this is typically used is a gravel pit, the occurrence is that it's been mined down to the permitted level and either been restored or not and upon those occurrences, the permit automatically terminates and the gravel pit right goes away permanently after that point in time. Shooting ranges is a classic one under that type of occurrence as a time permit like a 20 year permit unless it is extended through a hearing process again.

Mack advised interim uses are not in our City Code. There was further discussion concerning interim use permits.

Commissioners stated they liked the matrix format.

8. ADJOURNMENT: A motion was made by Stone, seconded by Petschl, and unanimously carried to adjourn the meeting at 7:56 p.m.

Chair Richard Bradow

ATTEST:

Carmen L. Lockhart
Planning/Administrative Assistant