

Planning Commission Meeting
June 11, 2009
Verbatim Excerpt

Land Use Process Review Committee Recommendation on Deferral Fees

During Commission Matters

Chairman Murphy: In the packet this evening is a paper entitled "Motion for Pete Murphy." This is something I brought up to your attention - - brought to your attention last night. This motion was in - rationale was put together today by Regina Coyle, as a result of the Land Use Process Review Committee meeting last night regarding requesting the Board of Supervisors to establish, I guess you call them penalty funds for applicants who neglect to file an affidavit properly, thus causing a delay in the public hearing before the Planning Commission or before the Board of Supervisors. I'm going to let you read this before I make the motion at the end of the night, so you get a chance to take a look at what we were talking about.

Commissioner Harsel: [inaudible].

Chairman Murphy: I'm sorry?

Commissioner Harsel: This on the Internet. But do we have a hard copy?

Chairman Murphy: Do you have a hard copy in the packets?

Commissioners de la Fe and Sargeant: No.

Commissioner Harsel: I read it on the Internet.

Chairman Murphy: Well, I guess you can't read it before the end of the night then, unless we print it.

Commissioner Harsel: No, I read it. Both you and I can vote on it.

Commissioner de la Fe: So, go ahead and read it.

Chairman Murphy: Okay. Is everybody content with this? Let me just read this and make sure we're on the same sheet because we talked about - - the requirements stipulates that the affidavit reaffirmation form be filed on or before 22 business days prior to the scheduled public hearing. The affidavit problems that most often cause the deferral of a Board of Supervisors' public hearing are errors or omissions related to the disclosure of contributions. The Committee has learned that affidavit issues rarely, if at all, cause the deferral of BZA public hearings. So, if there's no problem, I WOULD MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ESTABLISH A DEFERRAL FEE OF \$250, PLUS THE ACTUAL COST OF ADVERTISING, NOT TO EXCEED A TOTAL AMOUNT OF \$1,000, FOR THE RESCHEDULING OF PLANNING COMMISSION AND BOARD OF SUPERVISORS' PUBLIC HEARINGS THAT ARE REQUIRED AS A RESULT OF THE

REQUIRED AFFIDAVIT NOT BEING FILED IN ACCORDANCE WITH THE ADOPTED POLICIES AND PROCEDURES OF THE PLANNING COMMISSION AND/OR THE BOARD OF SUPERVISORS, AS APPLICABLE.

Commissioners Lusk, Lawrence, and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Lusk and Mr. Lawrence. Is there a discussion of the motion? And Mr. Litzenberger [sic].

Commissioner de la Fe: And Flanagan.

Chairman Murphy: All those in favor of the motion, say aye.

Commissioners: Aye.

Commissioner Hart: Earl seconded it.

Chairman Murphy: Is it - was it you? Mr. Flanagan. Make it Mr. Flanagan. I'm sorry. Opposed? Motion carries.

Chairman Murphy: I FURTHER RECOMMEND THAT THE BOARD ADOPT AN EFFECTIVE DATE OF JULY 1, 2009 FOR THE DEFERRAL FEE TO BE CONCURRENT WITH THE EFFECTIVE DATE OF THE ZONING ORDINANCE AMENDMENT RELATED TO ZONING FEES ADOPTED BY THE BOARD ON APRIL 27, 2009.

Commissioners Flanagan, Litzenberger, Lusk, and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Hanlon [sic], Mr. Litzenberger, Mr. Lusk, and Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Chairman Murphy: Finally, I RECOMMEND THAT THE BOARD DIRECT STAFF TO REPORT BACK TO THE PLANNING COMMISSION WITHIN A YEAR OF IMPLEMENTATION WITH AN ASSESSMENT OF THE NEW DEFERRAL FEE.

Commissioners Lawrence and Lusk: Second.

Chairman Murphy: Seconded by Mr. Lawrence and Mr. Lusk.

Commissioner Flanagan: Second.

Chairman Murphy: Mr. Flanagan.

Commissioner Hart: He did the last one.

Chairman Murphy: That's okay. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioners Alcorn and Hall absent from the meeting.)

KAD