

CITY OF LOVELAND

PLANNING COMMISSION MINUTES

September 28, 2015

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 28, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: Commissioner Middleton. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Bob Paulsen, Current Planning Manager** notified the Commissioners that **Commissioner Middleton** will be absent until November Planning Commission meetings.
2. **Mr. Paulsen** provided an update regarding the Planning Commission's request for a comprehensive list of consultants used by the City. This list is not readily available and is currently being researched by the City's finance director.
3. **Mr. Paulsen**, notified the commissioners that **Dave Klockeman**, City Engineer, has resigned. Currently, the transportation department is understaffed due to other position vacancies. Additionally, **Betsy Hale**, Economic Development Director, has also resigned to take a position in New York.
4. **Mr. Paulsen** provided an update on the Sprouts construction site. Currently work is being done on Jefferson Avenue and Public Works staff are monitoring the project to ensure business and home owners have access to their property. Anticipating road construction to continue for another 2-3 weeks.
5. **Mr. Paulsen** noted that Public Works trimmed the bushes at Kiowa Drive to increase intersection visibility. Staff has monitoring the circulation changes at Faith Church since Loveland Classical School began school sessions. There appears to be no traffic problems.

Commissioner Molloy stated that he has driven the route and noted there rarely are multiple cars turning in at once. He has not experienced any problems and it does not appear to be enough traffic to impact the community.
6. **Mr. Paulsen** stated that the next Planning Commission meeting is on October 12th. The Humane Society Site Development Plan is tentatively scheduled along with the Highway 287

Strategic Plan. He asked the commissioners to notify staff if they have any questions or comments about the plan materials. The Planning Commission meeting on October 26th will include a presentation from the Dr. Dan Maas regarding the Thompson School District Master Plan. A Create Loveland study session is also on the agenda.

7. **Mr. Paulsen** noted that city staff was contacted by the applicant for the Mariana Butte 3rd Rezoning request (regular agenda item #2). The applicant asked that the Planning Commission continue the item to the October 12th Planning Commission meeting due to a family emergency. **Mr. Paulsen** recommended switching the order of the regular agenda so this item can be addressed first due to the continuance request.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

1. **Chair Crescibene** thanked **Dave Klockeman**, City Engineer, for arranging a meeting with a police representative and citizens concerned with the flow and speed of traffic at the Hwy 287 Couplet (near the cemetery). **Chair Crescibene** appreciated **Mr. Klockeman's** extra effort in evaluating the problem and efforts to find a solution.
2. **Commissioner Jersvig** asked if the Planning Commission minutes could contain more details, including specific commissioner and citizen comments. Several commissioners agreed and **Mr. Paulsen** noted the request and will work to include more detail in the meeting minutes.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the August 24, 2015 minutes; upon a second from Commissioner Ray, the minutes were unanimously approved.

REGULAR AGENDA

Commissioner Meyers made a motion to move Item Number 2 on the Regular Agenda, Mariana Butte 3rd Rezoning from item number 2 to item number 1. Upon a second from Commissioner McFall, the motion was unanimously approved.

1. Mariana Butte 3rd – Rezoning

Project Description: This is a public hearing to consider the rezoning of a vacant 4.7-acre site at the Southwest corner of West Eisenhower Boulevard and Rossum Drive from DR—Developing Resource to R3—Developing High-Density Residential. A portion of this site is owned by the Loveland Fire Authority which has determined that the site is not needed for a future fire station. This request is being made by the Villas, LLC to establish zoning that will allow development of an assisted/independent living facility. If the zoning is approved, the proposed development must undergo the Special Review process prior to development; this

process requires a neighborhood meeting and additional opportunities for neighborhood input. The Planning Commission must forward a recommendation on the zoning request to the City Council for final action. The action by the Planning Commission is quasi-judicial in nature.

Commissioner Dowding moved to continue this item until October 12, 2015. Upon a second from Commissioner Ray, the motion was unanimously approved.

Commissioner Meyers asked if the item would be placed first on the agenda at the next meeting. **Mr. Paulsen** confirmed that it would be best to put this item first and that no additional notice would be sent to community members. However, based on a citizen request, **Commissioner McFall** asked that the item be re-noticed. **Mr. Paulsen** noted that it is too late to meet the normal 15 day newspaper notice provisions but will ask the applicant to re-notice by mail.

2. Loveland Solar/Foothills Substation – GDP Amendment and Rezoning

Project Description: This is a public hearing to consider a two-part request concerning the rezoning of a 52.6-acre site owned by the City of Loveland that is located just west of Mahaffey Park; more specifically, the site is located west of 29th Street and north of 22nd Street. The first part of the request is to amend the General Development Plan of the Meadowbrook Ridge PUD, removing the 52.6 acres from PUD. The second part of the request is to assign DR—Developing Resource zoning to the 52.6 acres. The requested zoning action by the City’s Power Division is to establish zoning that is appropriate for a new electrical substation and solar facility. This new facility would replace the City’s Idylwilde hydroelectric generating facility that was damaged in the 2013 flood. Upon the successful rezoning of the site, a Special Review process will be undertaken to complete necessary land use approvals. The Planning Commission must forward a recommendation on the zoning request to the City Council for final action. The action by the Planning Commission is quasi-judicial in nature.

Kerri Burchett, Principal Planner, introduced city staff involved in the project and members of the consultant team. City staff present: Gretchen Stanford, Customer Relations Manager with Water in Power; Briana Reed-Harmel, Senior Electrical Engineer with Power; Steve Adams, Director of Water and Power; Bob Miller, Manager of Power Division. Consultants present: Sam Eliason, Principal Engineer with United Civil Design Group; Mark Curtis, Systems Engineer Manager Platte River Power Authority; Peter Lewis, Substation Design Engineer with Platte River Power Authority; Larry Rose, Loveland Utility Commission.

Ms. Burchett provided a general description of the solar and substation facility along with the rezoning request. The property is located directly west of Mahaffey Park. The entire property is approximately 52.6 acres. The solar facility would encompass approximately 18 acres and the substation facility would encompass 2.4 acres. The remaining property would remain open space.

The property is currently zoned Meadowbrook Ridge PUD but the applicant is requesting a zoning change to Developing Resource (DR). The land purchased by the City of Loveland Power Division is the last developable piece of property in Phase 2 of the Meadowbrook Ridge PUD. Phase 2 currently has 257 units remaining to be developed according to the

Meadowbrook Ridge PUD. If this property is rezoned to Developing Resources, there are no uses permitted by right; all uses require a Special Review.

Ms. Burchett introduced **Gretchen Stanford**. **Ms. Stanford** noted that the city's Idylwilde Dam sustained extensive damage in the 2013 flood and therefore rather than rebuild the Idylwilde facility the city applied for FEMA's Alternate Project. Additionally, the City's West Substation was compromised during the flood. **Ms. Stanford** explained the benefits of the substation and solar facility and provided a project time line. **Ms. Stanford** noted that the project site was changed from the original plan, requiring a scope change to be submitted to FEMA. This project needs to be completed by September 2017 in order for FEMA to reimburse the funds.

Ms. Burchett introduced **Sam Eliason** consultant with United Civil Design Group. **Mr. Eliason** presented a Conceptual Site Plan for the project and noted that extensive buffer yards were designed to shield the solar facility and substation from existing homes. **Ms. Burchett** noted that although the site plan is part of the Special Review process, it is separate from the rezoning request; the site has been provided to help neighbors and others better understand the project.

- **Commissioner Molloy** asked what the criteria for future expansion of the solar facility is based on. **Ms. Stanford** explained that a large portion of residential customers are passionate about solar gardens and are interested in leasing panels for their individual use. The cost of solar has come down and the city is considering the option of having a community solar garden.
- **Chair Crescibene** commented that he read a study indicating that Colorado is not an ideal location for solar power and asked about the financial benefits of solar. **Ms. Stanford** noted that Colorado is in the top 10 best places for generating solar power and noted that the cost of solar panels has decreased. **Peter Lewis** with Platte River Power Authority stated that Fort Collins currently has a 30 watt field that is very economical based on the amount of sun light this area receives.
- **Ms. Stanford** noted that a solar feasibility study was performed approximately 2 years ago to evaluate the use of solar at several sites in Loveland. With the FEMA reimbursement money, full payback is expected within 2 years.

Ms. Burchett explained the process for rezoning and noted that a neighborhood meeting was held with approximately 99 people in attendance. Staff is recommending the rezoning and is asking the Planning Commission to make a recommendation to City Council approving the rezoning and Preliminary Development Plan (PDP) amendment. This item is scheduled to be reviewed by City Council on October 20, 2015. If the rezoning is approved, the project will continue through the Special Review process. A public website has been created to provide more information about this project: www.cityofloveland.org/foothills.

Ms. Burchett handed out two letters of support to the Planning Commission from residents in the PUD.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Jersvig** asked if the developers to the north or west were notified. **Ms. Burchett** confirmed that they were notified and noted that she had not received any complaints or comments. Specifically, **Ms. Burchett** noted that the Hunter's Run West developer spoke with **Troy Bliss**, Senior Planner, and did not voice comments or concerns.
- **Commissioner McFall** said Carole Allman, HOA president of Hunter's Run, contacted him and he referred her to the City of Loveland Planning Division. He recommended that she call him back if she didn't feel that her questions were answered; however, he has not heard from her since.
- **Commissioner Jersvig** stated that he was more concerned with the undeveloped land to the north and if the developer had been notified. **Ms. Burchett** stated that the company developing the land has been in contact with the Current Planning Division. The company is aware of the proposed substation and solar facility and is still planning on moving forward with the development.
- **Commissioner Meyers** asked for clarification on which phases of the PUD would be rezoned to Developing Resources. **Ms. Burchett** clarified that the rezoning only applies to the last developable piece of Phase 2 of the Meadowbrook Ridge PUD and not to any portion of Phase 1.
- **Commissioner Meyers** asked what was going to happen with the Boedecker property. **Ms. Stanford** stated that the Power Division purchased this property and is planning on putting another substation at this location in the future; however, it has not been determined if there will be a solar component at this location.
- **Commissioner Meyers** asked if FEMA funds will pay for the required Environmental Impact Statement and **Ms. Stanford** confirmed that the FEMA funds will pay for this.
- **Commissioner Meyers** asked if the project will get an extension due to multiple delays. **Ms. Stanford** stated that an extension will not be granted. FEMA has stated that this project will be reviewed by the end of October and staff has taken this into account in the proposed timeline.
- **Commissioner Meyers** asked if any money from FEMA will pay for the purchase of the property used for the project. **Ms. Stanford** clarified that money from FEMA will not cover the purchase costs.
- **Commissioner Meyers** asked if this project will impact the anticipated expansion of Cascade Avenue and **Ms. Burchett** confirmed that it would not.
- **Commissioner McFall** asked when the final deadline is to receive an answer from FEMA regarding funding. **Brieana Reed-Harmel**, City of Loveland Water and Power, noted that they must have an answer by December 31, 2015.
- **Commissioner McFall** asked what the timeline would have been in the event that the city had moved forward with utilizing the Boedecker property as the project site instead. **Ms. Stanford** indicated that it would still be the same timeline. **Ms. Stanford** stated that they are currently on target with their timeline until at least the first quarter of 2016.

- **Commissioner McFall** asked the feasibility of hitting the deadlines based on the delays experienced. **Ms. Reed-Harmel** stated that there will be no problem hitting the solar project timeline. Construction is anticipated to begin in late spring next year. Expansion of the roads must also occur; however, this portion of the project is not a part of the FEMA funding package. Construction timing of Rio Blanco will run parallel with the construction of the solar project.
- **Steve Adams**, City of Loveland Water and Power, stated that this is the first project in the United States that FEMA has funded that produces energy and therefore FEMA doesn't have an established process for reviewing and approving this project. **Mr. Adams** feels, however, that the project can stay on track and city staff is working hard to assist FEMA with any issues and questions that arise through the process. He noted that the Loveland Utilities Commission will meet October 15th (*actual date is October 21st*) to approve the solar bid and make a recommendation to City Council.
- **Mr. Adams** noted that the City can expect to receive reimbursement up to 87.5% of the \$9.1 Million in expenses for the project. The difference between the total project expenses and the 87.5% reimbursement from FEMA will be covered by the power reserve funds. On July 7, 2015, City Council approved a supplemental appropriation on second reading to appropriate money from the Power reserve funds into the project accounts, creating a budget for these projects. In order to get reimbursement from FEMA, the Power Utility must use its own funds initially and submit expenses to FEMA for reimbursement as the project progresses. Although City Council has fully appropriated the funds for this project, Loveland Water and Power intends to seek maximum reimbursement from FEMA.
- **Commissioner Meyers** asked what type of fencing will be used and if the project is designed to allow wildlife to move between the project areas. **Ms. Burchett** explained that the wall around the substation will be a block privacy fence. The rest of the solar park will have chain link around it. The project is designed to provide a wildlife corridor between the substation and the solar field.
- **Commissioner Meyers** asked if power generated from the solar field will only benefit Loveland residents or if the power would be sold. **Ms. Stanford** confirmed that the power will only be used for Loveland residents.
- **Commissioner Meyers** commented that Loveland has a shortage of multi-family homes and will be losing the opportunity to build more multi-family homes if the Meadowbrook Ridge PUD is rezoned. He asked if the Power Division had any plans to trade or give back any land to development to supplement the multi-family houses lost by not completing the remainder of the Phase 2. **Ms. Burchett** stated that she was not aware of any trades; however, there are several upcoming projects that have a multi-family component.
- **Commissioner Meyers** asked if anyone has considered the view from Namaqua Hill and questioned if there be any reflective issues on these homes. **Ms. Stanford** stated that the solar panels are made to soak up the sun and the panels being considered are single access trackers that would move with the sun. These solar panels tend to create less glare.

Ms. Stanford noted that these panels typically have an effective life-span of approximately 25 years, but varies depending on the actual panel selected.

- **Commissioner Meyers** asked what the operating cost will be. **Ms. Reed-Harmel** stated that the current annual maintenance estimate is \$90,000. This is similar to the Idylwilde facility maintenance. She noted that this cost is not FEMA refundable.
- **Commissioner Jersvig** asked where the components will be manufactured or sourced from. **Ms. Stanford** noted that there are no “made in America” requirements in the proposal. **Mr. Jersvig** noted concerns with the manufacturing process of solar panels and possible contamination. **Ms. Reed-Harmel** stated they would take that into consideration and base their choice on the best product available and not just on cost.
- **Commissioner Dowding** asked if 29th Street will be continued to Rio Blanco Avenue. **Ms. Burchett** noted that it will be extended and paved; however, it will not be fully developed with the curb and sidewalk until Hunter’s Run West is developed.

Chair Crescibene opened the public hearing at 7:38 p.m.

- **Warren Schaeffer**, 2021 Lakewood Drive, stated that he opposes the solar field and feels this is premature, unnecessary, and a waste of tax payers’ money. **Mr. Schaeffer** stated that he lives near the site and prior to Mehaffey Park being built he had elk and bighorn sheep on this land. He questioned if an environmental impact study has been done and stated that people come to Loveland to enjoy the environment. **Mr. Schaeffer** also noted that the City of Loveland dumped a lot of junk from the flood cleanup on this property. He stated that Namaqua Hill residents are going have a bad view and home values will depreciate. **Mr. Schaeffer** stated that Namaqua Ridge residents were not notified of this project. **Mr. Schaeffer** asked the commissioners not to approve until they have reviewed the Environmental Impact Study.
 - **Commissioner Molloy** noted that this site was originally approved for 257 homes and asked Mr. Schaeffer why he felt a solar field would be worse for the view and the environment. **Mr. Schaeffer** noted that his preference for this area would be open lands. **Commissioner Molloy** stated that the solar field actually provides more open space than 257 homes.
- **Fred Burmont**, 3584 Parlin Street, lives near the proposed development. **Mr. Burmont**, stated that as a retired city manager and council member, he understands the need for a facility benefiting the entire community. He is not opposing the rezoning but is concerned with the impact on the nearby subdivision. He doesn’t want this project to go to City Council until a detailed landscaping plan is reviewed. He also noted concerns with the industrial feel of chain link fence. He encouraged involving Meadowbrook Ridge HOA in designing the plan. **Mr. Burmont** did not oppose the solar field but stated that he would like to see detailed plans.
 - **Commissioner Molloy** noted that there will be another opportunity for public comment at the City Council meeting.
 - **Mr. Burmont** stated that if Planning Commission approves the rezoning it will be too late to see how the project will look.

- **Commissioner Meyers** noted that Planning Commission is only considering the rezoning. The use of the property would be approved through the Special Review process which does not require Planning Commission review. **Ms. Burchett** explained the Special Review approval process and noted that the site plan, landscaping, fencing would go before a neighborhood meeting to get input from neighbors. City staff then reviews the project to make sure that the use is compatible with the neighborhood. **Ms. Burchett** anticipates having the neighborhood meeting by the end of year.
- **Mr. Paulsen** explained the Special Review appeal process and noted that neighbors will be notified when the neighborhood meeting will be held for the Special Review. He noted that the standard procedure is to complete the rezoning of the property and then evaluate the plans for the property through the special review process.
- **Commissioner Molloy** and **Commission Crescibene** asked **Ms. Burchett** to put them on the mailing list for the next notice.
- **Loren Imhoff**, 3042 Kiowa Drive, noted that federal government projects tend to go over budget and asked what the contingency plan was if the project goes over budget.
 - **Commissioner Molloy** recommended addressing this concern with city council.
- **Leighton Bearden**, 2181 Vancorum Circle, is one of five residences directly south of the project. **Mr. Bearden** is very much in favor of utilizing berms there. **Mr. Bearden** noted that the junk referenced by **Mr. Burmont** is a product of the homes built in the Phase 1 and the city could use this for the berm.
- **Everette Roberts**, 1803 Tincup Court, lives across from Mehaffey Park. He has seen the pile of junk on the hill grow over the years and would like to see that go away. At the neighborhood meeting, it was explained that berms would be used as a screen. **Mr. Roberts** commented that he would like to see a nice facility with a berm than have all the trash generated from building multi-family houses. Many neighbors in Quail Run support this project and noted that he still has wildlife in his yard. **Mr. Roberts** stated that he is in support of the project.
- **Larry Roos**, 5555 Cedar Valley Drive, member of Utility Commission. **Mr. Roos** noted that the City of Loveland just contracted with China for another solar project so cost has already out-won quality. However, this is an opportunity to work with FEMA and there is an urgency to move forward with the rezoning in order to meet FEMA's timeline in order to receive the money. Costs of utility services are going up but this project will help reduce the cost and provide an alternative to fossil fuels. **Mr. Roos** commented that the Craig power plant will be phased out so alternatives are needed. **Mr. Roos** stated that he felt a compromise could be reached regarding the landscaping plan and appreciated that the Power Division was sensitive to the neighbor's concerns.
- **Pete Buckmere**, 2544 Farisita Drive, noted that he appreciates the open space and would like to see the area between the power station and solar panels be as open as possible to create a walkway from trails to Mehaffey Park. **Mr. Buckmere** asked if the Planning Commission could rezone the property to something else if the solar proposal doesn't get approved. **Commissioner Meyers** stated it was a possibility. **Mr. Buckmere**

recommended approving the rezoning for this project. Suggested that a trail be developed through the area to Mehaffey Park.

- **Rick Appleby**, 2000 Creede Avenue, noted that he was impressed with the Mehaffey Park landscaping. **Mr. Appleby** stated the he feels building multi-family is more disruptive to the view than the proposed solar. **Mr. Appleby** noted that he is in support of the solar project and would like to see it approved. **Mr. Appleby** recommended that the neighborhood HOAs get together and discuss what they would like to see with the plan.

Seeing no one else wishing to address the commission, **Chair Crescibene closed the public hearing at 8:35 p.m.**

Chair Crescibene called for a recess at 8:35 p.m.

Chair Crescibene called the meeting to order at 8:42 p.m.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Jersvig** noted concerns with not receiving all of the project information all at once. **Ms. Burchett** noted that traditionally the detailed plans are not brought to the Planning Commission unless the Special Review is appealed. She explained that delaying the rezoning wouldn't give the commission the opportunity to see the full project design because the zoning has to be in place before a special review can be approved. Therefore, the Planning Commission will not have the opportunity to review both the rezoning and the Special Review at the same time. Right now there are only conceptual drawings to review. **Ms. Burchett** noted that she talked with three of the neighborhood HOAs at break and she committed to working with them to design a plan that works for them.
- **Commissioner Jersvig** asked what it would cost to rebuild the dam that was damaged in the flood. **Mr. Adams** stated that it would be astronomical. Additionally, the city is unable to build the dam as it would not be approved through the federal process due to new regulations. This is regardless of the type of funds used to build the dam.
- **Commissioner Jersvig** noted that he sees both pros and cons to the project and is considering the rezoning approval.
- **Commissioner Molloy** commented that a project needs to go through the design process to even know if the use fits with the land. He noted that he has seen several large solar facilities that are not obtrusive. **Commissioner Molloy** did note that there will be a lost opportunity to build beautiful houses with a beautiful view at this site. However, **Commissioner Molloy** commented that this project will bring positive attention to Loveland for being environmentally friendly and noted that rebuilding the dam is not a good alternative due to the negative environmental impact. **Commissioner Molloy** stated that he will support the rezoning.
- **Commissioner Dowding** thanked the presenters and community members for being at the meeting tonight. **Commissioner Dowding** stated that she prefers the zone being DR than zoned for houses. She would like to move forward with the rezone and PUD amendment.

- **Commissioner Ray** commented that rezoning without accurate information can lead to poor projects, as experienced with a previous city project. **Mr. Ray** noted that the job of a Planning Commissioner doesn't have anything to do with water and power; the Planning Commission's job is only related to considering zoning and land use. **Commissioner Ray** commented that he is not sure putting a solar farm in the middle of the residential community is a good idea; otherwise this would be a use by right and not a Special Review.
- **Commissioner Ray** discussed the view that neighbors have from the community park and noted the intention is to have an area to enjoy the surrounding environment. The development of this solar project would result in a project that is not compatible with adjacent property and therefore does not meet the findings that the Planning Commission must find in order to approve the rezoning. **Commissioner Ray** does not feel that surrounding the park with two utility sites is the best land use and will vote against the rezoning. He noted that this project would have less of an impact if it were located in an industrial area.
- **Commissioner Meyers** acknowledged the federal mandate that 20% of energy used must be from alternative power sources; however, he is not sure this is the best site location. **Commissioner Meyers** noted concerns with what the site will look like. **Commissioner Meyers** stated that he would like the Power Division to bring the Site Development Plan to Planning Commission, even though this is not a requirement of the Special Review process. This is a condition that he would like to see put on the project before agreeing to this rezoning.
- **Commissioner Forrest** noted she is in favor of renewable energy; however, would like to make sure the landscaping and fencing is nicely integrated. **Commissioner Forrest** noted that it is important to allow citizens to comment on this project as it is just as much their project as it is the city's. **Commissioner Forrest** noted that she is in favor of the project but would like to add the condition that the Site Development Plan return to Planning Commission.
- **Commissioner McFall** noted that he walked through the project area recently and felt that the solar field would be a better plan than houses. **Commissioner McFall** thanked city staff and their great job putting the presentation together. However, he noted concerns with agreeing to the rezoning when he hasn't seen the project details. **Commissioner McFall** stated the he would have said no to the project but feels that adding the condition that the Site Development plan be reviewed by Planning Commission would allow him to agree to the project.
- **Moses Garcia**, Assistant City Attorney, noted that placing a condition on the rezoning requiring Planning Commission to review the Site Development Plan would usurp the power of the Current Planning Manager as stipulated in the zoning code. As an alternative, the Planning Commission has the ability to appeal the Current Planning Manager's decision. If they chose to appeal the decision, the project would go to Planning Commission at a public hearing.
 - **Mr. Paulsen** noted that the zoning code doesn't have any provisions to allow a project to come directly to Planning Commission and therefore this would be in

conflict with the code. **Mr. Paulsen** reiterated that the Planning Commissioners would have an opportunity to review the Planning Manager's decision and could then appeal it.

- **Mr. Paulsen** stated that there are no requirements to notify the Planning Commission of an administrative decision on a Special Review. However, it will be possible to provide notification to the Planning Commissioners but he would like to have input from the Water and Power Division on this matter.
- **Commissioner McFall** asked for clarification on the appeal process and **Mr. Paulsen** explained the appeal process.
- **Commissioner Molloy** recommended a policy or code change to allow Planning Commission to request projects be reviewed by the Planning Commission instead of allowing an administrative decision to be made.
- **Commissioner Meyers** stated that the main concern is if this use is compatible with the surrounding area, especially with the current shortage of multi-family. **Commissioner Meyers** wants to give one more opportunity for community members to voice concerns.
- **Commissioner Ray** referenced Section 7 of the Staff Report and stated that the commissioners' job is to make the same findings that city staff did. The commissioners' job relates to planning commission activity and is not about power usage. **Commissioner Ray** questioned if changing the zoning makes it consistent with the surrounding area and did not feel that the solar field is compatible with the existing zoning.
- **Chair Crescibene** commented that he's not sure why the city would buy a property presuming that it can be rezoned and asked what the city will do if this project is denied. **Chair Crescibene** noted that he supports solar energy but thinks that this project is not in the right place.
- **Mr. Paulsen** thanked **Commissioner Ray** for focusing on the findings and using them to make a decision. **Mr. Paulsen** noted that this is a use by Special Review, not a use by right. He noted that if the Planning Commission votes not to recommend this rezoning, the request will continue on to City Council for a final decision. He added that the minutes of the meeting will reflect the commission's deliberations.
- **Commission Jersvig** noted that the comprehensive master plan does not contain a separate land use category for utilities but generally sees utilities as a use in each zone.
 - **Commissioner Ray** supports the building of a substation as he feels this is considered a utility, but not 18 acres of solar panels.
 - **Commissioner Molloy** commented that the solar panels are a utility.
- **Commissioner McFall** asked for more information on the appeal process. **Ms. Burchett** explained the Special Review procedure and noted that Water and Power already made a commitment to work with the area HOAs to make sure that HOAs approves the landscaping prior to even holding the formal neighborhood meeting. **Ms. Burchett** stated that she will commit to sending a notification to the Planning Commission of the findings and decision relating to the special review process.

- **Chair Crescibene** stated that the Planning Commission needs to know when the neighborhood meetings are and what the final findings are.
- **Ms. Stanford** commented that this project has had a customer focus from the beginning and she is committed to working with the neighborhood HOAs to create a project that works well for them.
- **Mr. Paulsen** and **Mr. Garcia** agreed to give notice to Planning Commission of the Special Review final findings.
- **Chair Crescibene** reminded the commissioners that their job tonight is only to review the rezoning and not evaluate the project itself.

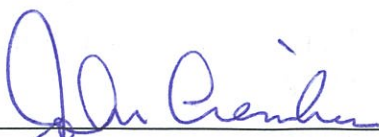
*Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated September 28, 2015 and based on those findings recommend that City Council approve the Meadowbrook Ridge PUD General Development Plan Second Amendment; and move to make the findings listed in Section VII of the Planning Commission staff report dated September 28, 2015 and, based on those findings, recommend that City Council rezone 52.6 acres from the Meadowbrook Ridge PUD to Developing Resource. Upon a second by **Commissioner Molloy**, the motion was carried with five ayes (Commissioners Dowding, Molloy, Forrest, Crescibene, and McFall) and three nays (Commissioners Meyers, Ray, and Jersvig).*

ADJOURNMENT

*Commissioner Meyers, made a motion to adjourn. Upon a second by **Commissioner Ray**, the motion was unanimously adopted.*

Chair Crescibene adjourned the meeting at 9:35 p.m.

Approved by: _____



John Crescibene, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary

Bob Paulsen, Planning Commission Liaison