

**MINUTES OF THE
ORONO PLANNING COMMISSION MEEETING
Monday, September 19, 2016
6:30 o'clock p.m.**

Council
Exhibit C

**9. #16-3865 CITY OF ORONO, TEXT AMENDMENT RELATED TO APPEALS,
8:58 P.M. – 9:08 P.M.**

Barnhart stated the proposed ordinance is a housekeeping measure based on the advice of the City Attorney and formally consolidates and clarifies the appeal process for a number of decisions made by City Staff, the Board of Appeals, and the City Council.

The City currently has a number of areas in the Code where it lists appeals. In each situation, an opportunity to appeal that decision is allowed. The City's ordinance is somewhat cloudy since the different appeals go to different boards. As a result, Staff reviewed the appeal process allowed in the ordinance and developed an ordinance that would send the appeals to the Planning Commission first and then the City Council. On any appeal decision made by the City Council, that would be through the court process if the person wishes to pursue it further..

Barnhart noted Staff did not add any new opportunities for appeal but just clarified them and that the changes are summarized in Staff memo. The draft ordinance also establishes the Planning Commission as the Board of Appeals for appeals to the subdivision process. In addition, the ordinance does require an aggrieved person to file an appeal within 10 days. Currently the ordinance is open-ended and technically someone could appeal a decision made ten years ago. Barnhart stated in his experience ten days is pretty common and gives people the right to appeal, which is a fundamental right.

Staff recommends approval of the ordinance as written based on the advice of the City Attorney.

Schoenzeit asked if everything goes to the City Council.

Barnhart stated some appeals go to the City Administrator, such as false alarm penalties, permit revocations, special permits, and some business license appeals. The Planning Commission will review appeals relating to zoning issues and subdivisions.

Chair Thiesse opened the public hearing at 9:05 p.m.

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There were no public comments regarding this application.

Chair Thiesse closed the public hearing at 9:05 p.m.

Gaffron asked if a neighbor can appeal the decision.

Barnhart stated any person that is aggrieved can appeal and Staff can appeal a decision. That appeal would now need to be made within 10 days of the decision.

Schwingler asked if the neighbor next door to the marina could appeal.

Barnhart stated they could appeal but they would have to prove that the approval was not following City ordinances.

Thiesse asked if this would change the timing on when paperwork is sent out.

Barnhart indicated Staff is implementing a 10-day waiting period.

Schwingler asked if the City sees many appeals currently.

Barnhart indicated on variances the City does not.

Olson moved, Leskinen seconded, to recommend approval of Application No. 16-3865, City of Orono, Text Amendment Related to Appeals. VOTE: Ayes 6, Nays 0.