

AGENDA TOPIC 11.D.

MEMORANDUM

TO: MAYOR & CITY COUNCIL
FROM: WAYNE MARSHALL, PLANNING & COMMUNITY DEV. DIRECTOR
DATE: JULY 31, 2009
RE: FUTURE LAND USE SECTION BELFAST COMPREHENSIVE PLAN

REQUESTED ACTIONS

I am requesting that the City Council take two specific actions regarding its review and the ongoing public review of the Future Land Use Section of the Comprehensive Plan, and that you discuss and provide direction regarding the proposed public hearings associated with this Plan.

Specific Action # 1: I request that the Council adopt a motion to accept the Future Land Use Plan presented at this meeting as the Plan document that will be presented for public review at the proposed public hearings. I recognize that the Council may want to review and discuss the content of the report.

Specific Action # 2: I request that the Council adopt 1 or more public hearing dates to solicit public comment on the Future Land Use Plan. I am recommending Tuesday, September 8 and Thursday, September 10. Further, I am requesting that the Council consider the dates at which it may meet to consider comment received at these hearings, and potential dates for a follow-up hearing(s).

Request for Direction. I request that the Council discuss and provide direction regarding how you want to provide public notice of the hearing(s), the information you want available at the hearing(s), how the hearings will be conducted, and the respective roles that staff, Councilors, and potentially the Comprehensive Planning Committee should perform for that hearing.

I have provided more detailed information regarding each of these Actions and Requests below.

INFORMATION REGARDING THE SPECIFIC REQUESTS

SYNOPSIS OF WORK DONE TO DATE

The Belfast Comprehensive Planning Committee delivered its Final Report regarding recommendations on Future Land Use in late March 2009. The Council met with the Committee in two workshop meetings, the first on March 30th and the second on April 13th. The Council subsequently decided to meet in a series of workshop sessions to review the Committee's March 2009 report and to consider its recommendations regarding this report. The Council conducted 6 workshop meetings, June 18 and 25 and July 8, 15, 22 and 27. The Council reviewed all

Committee recommendations and identified issues that it would like the public to consider form many of these areas. The Council, at its meeting of July 21st, also voted to establish its meeting of August 4th as the date it would act on the recommendations it discussed at its workshops on the Plan and to establish a public hearing schedule.

ACTION # 1

I have updated the March 2009 Future Land Use Report from the Comprehensive Planning Committee to incorporate information the Council, at its workshop meetings, decided should be presented to the public for consideration. I request that the Council review this information to ensure I have correctly captured the issues you identified. If you agree with this information, I ask that you adopt this document as the one that would be presented for public consideration at the upcoming public hearing(s). If you want to make changes, now is the appropriate time to make such. That said, I would hope that the changes would be minimal because I believe the Council has had an opportunity to thoroughly review and discuss the Future Land Use Plan at its workshop meetings and identified those issues on which a majority of Councilors could agree at this point.

I also note that I have provided your updates in two formats. First, I have updated the memorandum that I provided to you at the beginning of each meeting to also reflect the direction you provided at your most recent July 27th work session. This 11 page document is tucked into the front pocket of your new and updated Future Land Use Notebook. This document is for your use. The public will be aware of your requests for direction by reviewing the individual land use area descriptions in the Notebook. I have included your requests for direction for each area and the end of the description for each land use area, and reference such in the Introduction section of the Notebook. I stated that I would use this approach at your last workshop, and I believe this approach should allow a reader to quickly identify the Council's collective ideas for each area.

The updated Introduction also includes a statement regarding how the list/examples of permitted uses should be considered in the Report. As has been discussed, the overall approach is that the Comprehensive Plan is a Policy document that provides direction/guidance to the City and it will serve as the underlying basis for the City Zoning Ordinance. As a Policy document, the City will have flexibility in preparing Ordinance language (the Law) to implement this direction. As such, it is likely that the boundaries of some land use area may be adjusted, that the recommended minimum lot size may be altered, and that the range of permitted uses may be better fleshed out to reflect interests in the area as well as the legal requirements of preparing a Zoning Ordinance.

ACTION # 2

I am recommending that the Council schedule two public hearing dates to accept public comment on the Future Land Use Section. The approach would be similar to the one used by the Comprehensive Planning Committee this past fall. The Council would solicit public comment for two overall areas at one meeting, Inside the By-pass and Near the By-pass, and would solicit comment for the Eastside Area and Outside Rural Area at a second meeting. The dates I am suggesting are September 8, which is the second Tuesday in September, and September 10th, a

Thursday. I am suggesting using two hearings rather than one because of the sheer volume of information on which comment is being solicited. Do you think this approach makes sense?

If you agree with this approach, I am also asking that you think about how you want to proceed. First, the Council has stated that it wants to take action on the Report prior to the November election. With this goal in mind, I am recommending that the Council reserve time at its regular Tuesday, September 15th meeting, or that it meet at a special meeting on Thursday, September 17th to discuss comments heard at the public hearings. The Council could use this meeting to identify revisions it would like to make to the Report. Post this meeting, I would need some time to revise the Report and then the Council would need to conduct at least one more public hearing on the Report before considering its adoption.

If you identify your desired revisions during the 3rd week of September, I likely would need a week or so to incorporate the revisions, which means a new public hearing likely could be scheduled for Thursday, October 8, or Tuesday, October 13. I have noted to the Council that 30 day public notice is not required for a follow-up hearing. Continuing with this schedule, this approach would allow the Council to consider adopting the Future Land Use Plan at its regular meeting of October 20th.

While I believe this is an aggressive schedule, I also believe it is reasonable based on the extensive amount of work which has been done to date, including the number of public meetings held on the recommendations. And as has been discussed on numerous occasions, this is a Policy document and there will ample opportunity to consider specific issues when the City pursues implementing the Future Land Use recommendations by preparing Zoning Ordinance amendments.

REQUEST FOR DIRECTION

The proposed hearings are about a month out, but I am now seeking direction for the Council regarding your expectations for how to provide public notice of the hearings and how the hearings will be conducted. I believe now is the time to discuss such.

First, what approaches do you want us to use to provide public notice? If you vote to adopt the Report at your August 4th meeting, the Department will post notice of the upcoming hearings with the City Clerk on August 5th. This notice will satisfy the 30 day notice requirement. We also will publish notice of the hearing in 3 editions of the Republican Journal; which likely will cost about \$800. The Council also voted to require the Comprehensive Planning Committee to send a letter to all property owners to alert such of the Committee's Fall 2008 informational meetings on the Plan. Do you want to use a similar approach for the initial hearings? If you do, the cost of postage will be about \$1,500, the cost of photocopying notices will be about \$300, and it likely will take 7 – 8 days of staff time (2 or 3 people working 2+ days each). This type of mailing is a major undertaking.

Secondly, how do you want to conduct the hearings? I would suggest using an approach similar to that used at the Comprehensive Planning Committee meetings. This could involve my making a presentation on each respective area, and then stopping at the end of each description to see if

there is public comment on this area. For example, I would make a presentation on the Residential 1 area for the Inside the Bypass area and then the Council would solicit comment before proceeding to a discussion of the Residential 2 area. Clearly, other approaches can be used, but I believe this may make the most sense.

Third, what do you envision as the role of the Council at the hearing? Are you a body that sits back and listens to comment offered, or are you, either collectively or individually, going to advocate positions and to seek comment on such. Also, do you intend to respond to questions asked and/or want me to respond to questions asked? Continuing, do you envision any role for the Comprehensive Planning Committee at the hearings?

I will close by stating that I recognize and appreciate the amount of time the Council, as a body and as individuals, have devoted to your review of the Future Land Use Plan. I will do my best to answer any questions.