

### **Legislation Committee, Continued**

version of the changes could be presented to Council. Council President Harwood reminded Councilmember Petsche that at the Planning Commission meeting Councilmember Petsche said that the Planning Commission was taking away the rights of property owners that were applying for solar panels. Planning Commission members enforce the Charter and Ordinances. Members of the Planning Commission were offended by that. Council President Harwood said he assured the Planning Commission members that he would speak to that issue. Council President Harwood said he asked Councilmember Petsche if the group is requesting a process that does not require Planning Commission approval and permit issuance is all that is required and Councilmember PETSche answered yes. Planning Commission still wants to deal with solar panel applications on a case by case basis. Councilmember Redinger asked if the Planning Commission has had an increase in requests for solar panels. Council President Harwood said no. The Commission has had 10 applications since 2010. Certified Building Official Packard said 2 are pending and 2 were denied and the rest were approved. Councilmember Rose said the Board of Appeals granted a variance for front facing solar panels.

Mayor Hruby said the Planning Commission is a recommending body. Council may refer matters to the Planning Commission for review and the Planning Commission makes a report and recommendation back to City Council. The Public may request reviews by the Planning Commission. The Planning Commission Chairman and the Mayor may add items to the Planning Commission agenda. The responsibility of the Planning Commission is to review and advise Council on any approval that they recommend, including any changes to the law and in zoning. If Council wants to consider any of the requests of the public, the group of people that have put together a request, they could in the legislation committee. Or the Legislation Committee may take the legislation and send it to Planning Commission and request a review. In this case the Planning Commission has already reviewed the information and incorporated some of the changes into the recommendation. The Legislation Committee may review everything that Planning heard and saw or have their own hearing and decide what they want. Mayor Hruby said the Planning Commission is not happy right now because they, the Planning Commission are a recommending body and do not make the law. City Council takes the recommendation and creates law. Mayor Hruby said he does not remember the Planning Commission being scolded for taking away the rights of the citizens by enforcing the code, that statement is unfair to the Planning Commission members. Councilmember Rose said the Legislation Committee referred this issue to the Planning Commission and the report will include all of the documents and reports of the Planning Commission.

Councilmember Redinger asked why the group has been working with the Planning Commission, why do they want to present the same material to City Council. Councilmember Petsche said the group wants to allow solar panels to be located on the front of the house if the south facing roof is the only practical place to place solar panels. Council President Harwood said the Planning Commission is requesting homeowners investigate alternatives to front facing solar panels. Councilmember Rose said if the only way they could utilize the solar panels was on the front of the house, they would apply for a variance stating a hardship. Councilmember Petsche asked if Planning says no, the Board of Appeals could appeal to zoning. Mayor Hruby said you cannot appeal the Planning Commission decision. Mayor Hruby said you would apply to the Board of Zoning asking for a variance to the Code. Any action denied by the Building Commissioner or any