Planning & Zoning Commission

Regular Meeting
Thursday, April 09, 2015
Delta City Building Council Chambers
76 North 200 West
Delta, Utah

PRESENT
Member Linda Beard
Member Rand Crafts
Member Wes Duncan
City Representative Kiley Chase
Chairwoman Linda Sorensen
Member Roger Zeeman
Member Richard Jones

ABSENT
Member Alan Johnson
Attorney Todd Anderson

ALSO PRESENT
Code Enforcement Officer Dent Kirkland
Asst. Code Officer Travis Stanworth
Patrick Bond
Deputy Recorder Barbara Clark
Dale Bond, Property Owner
LeAnne Maxfield, Property Owner

Chairwoman Linda Sorensen called the meeting to order at 7:02 p.m. She stated that notice of the time, place and the agenda of the meeting had been posted at the City Building, on the Utah Public Notice website, the Delta City website, and had been provided to the Millard County Chronicle-Progress and to each member of the Commission at least two days prior to the meeting.

MINUTES

The proposed minutes of Planning & Zoning Commission Public Hearing held March 12, 2015 at 6:00 pm were presented for consideration and approval. Commission Member Rand Crafts made a MOTION to adopt the Public Hearing minutes of March 12, 2015 as presented. Commission Member Wes Duncan SECONDED the motion. The motion passed with Commission Members Linda Sorensen, Linda Beard, Rand Crafts, Dick Jones, Wes Duncan and City

UNAPPROVED

Representative Kiley Chase voting in favor and Member Alan Johnson being absent. The proposed minutes of Planning & Zoning Commission Regular Meeting held March 12, 2015 at 7:00 pm were presented for consideration and approval. Commission Member Rand Crafts made a MOTION to adopt the Regular Meeting minutes of March 12, 2015 as presented. Commission Member Wes Duncan SECONDED the motion. The motion passed with Commission Members Linda Sorensen, Linda Beard, Rand Crafts, Dick Jones, Wes Duncan and City Representative Kiley Chase voting in favor and Member Alan Johnson being absent.

BUSINESS

Subdivision of 279 East Main

There was a discussion regarding the request for subdivision of property on 279 East Main Street in Delta owned by Dale Bond. Mr. Bond presented several documents demonstrating the property lines being established several years past. There was a discussion with the commission regarding the dates of establishment of the two properties in question. Chairwoman Linda Sorensen stated that the newest Planning & Zoning Ordinance had not been adopted as yet, so the Ordinance that must be followed was the 1980 version. Mrs. Sorensen mentioned that the newer one needed amending and adoption. Commission Member Rand Crafts quoted the definition of a subdivision Section 1.2.23, of Planning and Zoning Ordinance. Mr. Crafts pointed out that the history of the property had been leased in parcels, and questioned at what point the City should enforce the subdivision processes. LeAnne Maxfield explained to the Commission the history of the properties as she had been informed. Mrs. Maxfield stated that there had always been two separate properties and addresses. City Representative Kiley Chase stated that the transfer of properties with the County cannot stand as a legal subdivision. Mrs. Maxfield stated that tax were paid separately, etc. and that she had no indication that it was ever anything but two pieces of property. Code Enforcement Officer Dent Kirkland updated the Commission of what he had discovered about the properties in question. There was a further discussion with the Commission regarding the property. Mr. Kirkland stated that after deliberation with the Mayor, that in order for the property to be legally divided, it must go through the subdivision procedure. Mr. Kirkland suggested that the process be followed as quickly as possible with the City's assistance, so that perhaps the preliminary plat and the final plat could be approved all in one meeting. There was a discussion regarding at what point forward should Delta City make the subdivision process necessary in order to be legal? The question was presented asking could not an exception be made if property divided was existing from before present Ordinance enforcement, and impose the subdivision process at present and on? Commission Member Rand Crafts asked if Mr. Bond's plat sufficed for the plat required for the subdivision process. Mr. Kirkland responded that he did not think it did, and then he

UNAPPROVED

defined what was necessary in order to be defined as a legal plat. It was proposed that it would be to everyone's advantage to follow the subdivision procedure. Documents were again examined for dates that would grandfather the properties. The question was presented if a conditional use permit granted with desired conditions including subdivision procedures included. Mr. Kirkland stated that he had been advised both ways: That the subdivision procedure needed to take place before the conditional use permit is granted, and that the permit could be granted with the conditions including the subdivision process. City Representative Kiley Chase quoted from State Code defining the legality of any permit without the proper subdivision management. It was determined that the quickest and easiest means would be to push forward with the proper subdivision process. Commission Member Rand Crafts MOVED to approve the Dale Bond/ LeAnne Maxfield application for subdivision under the following terms: 1. Under the Subdivision Ordinance dated 1980, Section 3.8 (hardship waivers permitted) the applicants move forward with the subdivision process. 2. The applicant pay the $50.00 subdivision fee. 3. Accept County plat as a preliminary plat for the purposes of this approval. Commission Member Dick Jones SECONDED the motion. The motion passed with Commission Members Linda Sorensen, Linda Beard, Rand Crafts, Dick Jones, Wes Duncan and City Representative Kiley Chase voting in favor and Member Alan Johnson being absent.

Proposal for Conditional Use Permit for Building Storage Units on back of Lot Located at 279 East Main Street, Delta

Commission Member Rand Crafts MOVED to table this agenda item until the next scheduled Planning and Zoning meeting to be approved with the final plat. Commission Member Wes Duncan SECONDED the motion. . The motion passed with Commission Members Linda Sorensen, Linda Beard, Rand Crafts, Dick Jones, Wes Duncan and City Representative Kiley Chase voting in favor and Member Alan Johnson being absent.

OTHER BUSINESS

City Representative Kiley Chase made apologies in behalf of City Attorney Todd Anderson for not being able to be present for the meeting.

With no other questions or concerns, City Representative Linda Beard MOVED to adjourn the meeting. City Representative Kiley Chase SECONDED the motion. Chairwoman Linda Sorensen asked if there were any more questions or comments, and there being none, the motion passed with Commission Members Linda Sorensen, Linda Beard, Rand Crafts, Wes Duncan, Dick Jones and City Representative Kiley Chase voting in favor and Member Alan Johnson being absent. Chairwoman Linda Sorensen delcared the meeting adjourned at 7:57 p.m.

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Minutes Approved **Barbara Clark, Deputy Recorder**

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