

PLANNING AND ZONING COMMISSION MEETING
APRIL 22, 1992

PRESENT

Gary Church	Chairman
Gayle Bunker	Commission Member
Dale Roper	Commission Member
Pauline Warner	Commission Member
Rick Moultrie	Commission Member
Russell Jones	Commission Member

ABSENT

Larry Taylor	Commission Member
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OTHERS PRESENT

Virginia Taylor	Deputy City Recorder
Neil Forster	Zoning Official

Chairman Church called the meeting to order at 7:30 p.m. Virginia Taylor, Deputy City Recorder, acted as secretary. Mr. Church stated that the notice of the meeting time, place and agenda was mailed to the Millard County Chronicle/Progress, and to each member of the Planning and Zoning Commission two days prior to the meeting.

MINUTES

The proposed minutes of a Planning Commission Meeting held September 25, 1991, were presented for consideration and approval. The Commission reviewed the minutes briefly after which Pauline Warner MOVED that the minutes be approved as presented. The motion was SECONDED by Dale Roper. Mr. Church asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BUSINESS

DONALD KINSMAN: DEL PARK MOBILE HOME SUBDIVISION PRELIMINARY PLAT

Mr. Kinsman was not in attendance at this meeting; however, a Preliminary Plat of the Del Park Mobile Home Subdivision was presented to the Planning Commission for their consideration.

Discussion was held and many questions were raised regarding the maintenance of the water and sewer system in that area, street ownership and maintenance and setback requirements.

Discussion was held regarding a proposed home owners agreement between Del Park Mobile Home Subdivision residents and Delta City requiring that the Del Park residents accept responsibility of maintaining the water, sewer and streets at Delta City standards. Also, required would be a hold harmless clause stating that if the Del Park Residents do not maintain those areas, they cannot come back to Delta City for any maintenance or repairs. The Home Owners Association will also be required to obtain the Planning Commission's approval of their restrictive covenants.

Following discussion, Council Member Dale Roper MOVED that prior to the Planning Commission's approval of a Final Plat, Mr. Kinsman's Preliminary Plat must meet all Delta City Subdivision and Zoning Ordinance requirements. Also, a Home Owners Association must be formed to properly maintain all roads, sewer and water lines within the Del Park Mobile Home Subdivision and park. The motion was SECONDED by Commission Member Pauline Warner. Chairman Church asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CHAIRMAN GARY CHURCH: APPOINTMENT OF VICE-CHAIRMAN

Chairman Church explained that as required in the Delta City Zoning Ordinance, a Vice-Chairman of the Planning Commission needs to be appointed. He then asked for recommendations.

Following brief discussion, Pauline Warner MOVED to appoint Larry Taylor as Planning Commission Vice-Chairman. The motion was SECONDED by Dale Roper. Chairman Church asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ZONING OFFICER NEIL FORSTER: REQUEST FOR TEMPORARY MORATORIUM ON ABOVE GROUND STORAGE TANKS

Chairman Church asked Zoning Officer Neil Forster to present a request for a temporary moratorium on above ground storage tanks.

Mr. Forster presented the following request:

REQUEST TO AMEND DELTA CITY ZONING ORDINANCES
RE: ABOVE GROUND STORAGE TANKS

ISSUE: Amending supplemental regulations of the Delta City Zoning Ordinances to regulate the location, placement and construction of above ground storage tanks.

LEGISLATIVE POLICY

The location, placement and construction of above ground storage tanks for the storage of flammable and combustible liquids or other fuels are governed by § 12-011 of the Delta City Zoning Ordinances, the Uniform Fire Code and the Uniform Building Code as adopted by Delta City.

The Delta City Zoning Ordinances allow the placement of an above ground tank for the storage of flammable and combustible liquids only in commercial business and highway commercial zones, where such zones classify service stations as a permitted use.

The placement of above ground storage tanks are also allowed in commercial development zones under the following conditions:

(1) The use thereof proves to be compatible with adjoining land uses and beneficial to the community as determined through an evaluation of the proposed use in accordance with predetermined development policies (§12-521, Rev. Ord. of Delta City).

(2) The use must be compatible with surrounding land uses and for which adequate public facilities exist or can be constructed (§ 12-529 B., Rev. Ord. of Delta City).

The Delta City Council has discussed the issue as to whether the Delta City Zoning Ordinances should be amended to allow the placement of above ground tanks for storage of flammable or combustible liquids and fuels, in additional zones within Delta City, and to determine what, if any, restrictions should apply to the location, construction and placement of such tanks within the Delta City limits.

The Delta City zoning official, fire chief and building inspector have made an evaluation regarding the adequacy of the current Delta City Zoning Ordinances regulating above ground tanks, as such ordinances relate to the health, safety and general welfare of the city and its residents.

The Delta City zoning official, together with the fire chief and building inspector have determined that Delta City's current zoning ordinances regulating the placement, installation

and location of tanks for storage of flammable or combustible liquids or fuels are inadequate to guard against the potential hazards such fuels may create by escaping or leaking from such storage tanks and thereby damaging property or jeopardizing existing water supplies or systems within Delta City. The Delta City zoning official has also determined that allowing such above ground tanks without regulation would seriously affect the aesthetic values in those zones in which above ground tanks are presently permitted.

Pursuant to § 12-326 D. of the Delta City zoning Ordinances, the undersigned, with the concurrence of the Delta City Council, respectfully requests that the Delta City Planning Commission consider a proposal to amend § 12-911 (Supplemental Regulations) of the Delta City Zoning Ordinances to provide for the regulation of above ground tanks for the storage of flammable or combustible fuels or liquids.

In addition to the proposed regulations set forth above, the undersigned requests that the Planning Commission review and recommend the adoption of Pamphlet 58, National Fire Protection Association, which governs the placement, installation and use of LPG tanks.

The undersigned requests that the aforementioned proposal be recommended for adoption by the Delta City Council as an amendment to § 12-911 of the Delta City Zoning Ordinances.

DATED this 7th day of April, 1992.

Respectfully submitted


Neil Forster
Delta City Zoning Officer

Following discussion of Mr. Forster's request, Commission Member Dale Roper MOVED to approve a moratorium as requested. The motion was SECONDED by Commission Member Gayle Bunker. Chairman Church asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ZONING OFFICER NEIL FORSTER: PROPOSED ORDINANCE FOR REGULATION OF ABOVE GROUND STORAGE TANKS

Chairman Gary Church asked Zoning Officer Neil Forster to present a proposed ordinance regarding the regulation of above ground storage tanks.

Mr. Forster presented a proposed ordinance prepared by Attorney Richard Waddingham entitled:

ORDINANCE NO. 92----

AN ORDINANCE REPEALING SECTION 12-911 OF THE DELTA CITY ZONING ORDINANCE.

Lengthy discussion was held regarding vaulting requirements that were stated in the proposed ordinance for above ground storage tanks. The Planning Commission agreed that the proposed ordinance should be changed to regulate any kind of containment such as convault type storage.

Following discussion, Commission Member Dale Roper MOVED to recommend to the City Council that the above proposed ordinance be adopted by the City Council following Attorney Waddingham's amendment to the proposed ordinance requiring that all options for vaulting requirements comply with the Uniform Fire Code and that the moratorium would expire upon approval of the above ordinance. The motion was SECONDED by Commission Member Gayle Bunker. Mr. Church asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

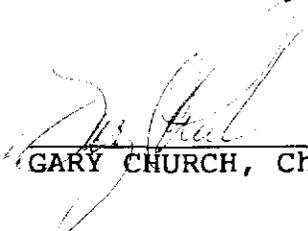
OTHER BUSINESS

Zoning Officer Neil Forster said that Jim and Evelyn Warnick are conducting a recycling business on 100 West and Main Street at the old Husky service station, which is a Commercial Development Zone. He said that this type of business is not allowed in Commercial Development Zones. Mr. & Mrs. Warnick have requested that the zone be changed or the language in the ordinance be changed to allow for their business in that location. Mr. Forster said that Mr. & Mrs. Warnick feel that they should be allowed to conduct their business at that location because two grocery stores in Delta City recycle their own products at their store locations in a Commercial Development Zone.

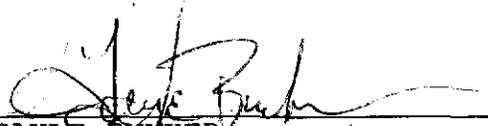
Discussion was held regarding the unsightliness of the business and the possibility of it being relocated in a Light Industrial Zone.

Planning Commission Secretary Virginia Taylor was asked to check with St. George City to see what their requirements are for this type of business.

Chairman Church asked if there were any comments or questions or items to be discussed. There being none, Commission Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Commission Member Rick Moultrie. Mr. Church asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mr. Church declared the meeting adjourned at 9:15 p.m.



GARY CHURCH, Chairman



GAYLE BUNKER
Council/Commission Member

MINUTES APPROVED: P&Z 6-24-92