

PLANNING AND ZONING COMMISSION MEETING
MAY 8, 1996

PRESENT

Pauline Warner	Chairperson
Gayle Bunker	Commission Member
Phil Sabey	Commission Member
Kathy Walker	Commission Member
Rick Moultrie	Commission Member
Russell Jones	Commission Member

ABSENT

Sharlynn Goold	Commission Member
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OTHERS PRESENT

Neil Forster	Zoning Officer
Louise Lyman	City Resident
Ruth Hansen	City Resident
Dee & Eathel Church	City Residents
Bill & Jeanine Abbott	City Residents
Jerry & Anna Bennett	City Residents
Howard & Mary Church	City Residents
Andy & Teresa Thompson	City Residents
David & Kathy Poulsen	City Residents
Kevin Murdock	City Resident
Nola Shields	City Resident
Jean Smith	City Resident

Chairman Warner called the meeting to order at 7:30 p.m. Mrs. Warner stated that the notice of the meeting time, place and agenda was mailed to the Millard County Chronicle/Progress, to the local radio stations, 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 March 13, 1996, were presented for consideration and approval. The Commission reviewed the minutes briefly after which Commission Member Russell Jones MOVED that the minutes be approved as presented. The motion was SECONDED by Commission Member Rick Moultrie. Mrs. Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

BUSINESS

LOUISE LYMAN, DISCUSSION OF ZONING OF THE NORTH DELTA AREA.

Mrs. Warner welcomed Louise Lyman and requested that she come forward to present her request for discussion.

Mrs. Lyman explained that it was brought to her attention about two months ago, that the zoning had been changed to industrial. She owns property on the west side of the railroad tracks in North Delta and this was the first she knew about the zoning being changed. She has lived there for 55 years and, when they built their home, there was no zoning. When she first became aware of zoning, it was zoned as Residential/Commercial, which was, in her opinion, what it should have been; for at least 70 years she can remember businesses along the railroad track, along with homes in the area. About six weeks ago someone told her that they had tried to buy a house in the area but was unable to obtain permission to add a bedroom onto the home due to the present industrial zoning. Mrs. Lyman expressed concern that she and other residents were never advised of a zoning change. Now they find that they are unable to renovate any house, add a porch, add a bedroom, sell a lot for residential use, and probably could not sell a home because of the zoning. They have been advised that no financial institution will finance a home purchase in that area. Mrs. Lyman reported that home owners in that area feel that their property has been devalued by the zoning change.

Neil Forster, Delta City Zoning Officer, reported that he believes that the zoning change took place during the start up of the Intermountain Power Project, which was during the early 1980s, and probably happened in two phases. The zoning law was re-written in the early 1980s, which may have left the zone similar to what it is now, but the actual law may have become more restrictive. He feels certain that Mrs. Lyman is correct that it was probably done on a large scale and, perhaps, the whole city was rezoned, or looked at, at that time.

Jerry Bennett, City Resident, requested that the property owners be given an opportunity to apply for a zone change to R4. They would like to file the application for zone change and be on the agenda for the next meeting.

CHAIRPERSON PAULINE WARNER: DISCUSSION OF NORTH DELTA ANNEXATION AND CONSIDERATION OF THE POLICY DECLARATION STATEMENT

Chairperson Warner stated that everyone had been given a booklet which contained several items. One is the Utah Code, another is Delta City Resolution 83-86, which is amended, Policy Declaration Statement, which basically tells us what we need for this

discussion. The Utah Code is very clear, the Delta City Resolution requires more. The Code requires a petition, which has been received, including a map and legal description. This was given to the City Council, who was to prepare a Policy Declarations Statement. The Policy Declaration Statement is in the booklet. The Delta Code requests the Policy Declaration, and an ordinance. The ordinance has been prepared and is included in the booklet also.

Commission Member Gayle Bunker stated, for the record, that he has a conflict of interest in this matter inasmuch as he a signer of the Petition for Annexation.

The Policy Declarations states the reasons why annexation is desired, the definitions, impact on the area, and tax consequences, and purpose of the annexation. It discusses the water, sewer and storm drain services. Zoning Officer Neil Forster was asked for an explanation of the responsibilities of the developers vs. the City to make certain that the City has no liability with this annexation. He explained that the developer would have to extend water, sewer and storm drains at their cost. A special improvement district may need to be formed at some point, but Delta City will not be impacted. After services are improved, the City would be responsible for maintenance.

Following discussion, Commission Member Phil Sabey MOVED to schedule a special meeting after all members have had a change to review the documents. The motion was SECONDED by Commission Member Rick Moultrie. Mrs. Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Discussion was held regarding a date for a special Planning & Zoning commission meeting. Commission Member Kathy Walker MOVED to schedule a special meeting on May 22, 1996 for the purpose of finalizing an opinion on approval on the North Delta Annexation. The motion was SECONDED by Commission Member Russell Jones. Mrs. Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Council Member Walker asked if the commission would be looking at zone designations along with the annexation. Zoning Officer Neil Forster will check and clarify this prior to the special meeting.

MEMBER GAYLE BUNKER: CHANGE TO THE RURAL RESIDENTIAL ZONE

Mrs. Warner asked Council Member Gayle Bunker to present his discussion regarding approval of a change to the Rural Residential Zone. The Rural Residential classification permits single family dwelling, home occupations as permitted, signs and accessory buildings. It also permits, as conditional use, the keeping of animals and fowl for personal use or family food production, not for commercial use, as listed in the ordinance. Concern was

expressed over ostrich production in the proposed zone change area, which would be "grandfathered" in this case. The zoning change would apply to future use. Conditional use permits would not pass from one owner to another.

Following discussion, Council Member Gayle Bunker made a MOTION to put this zone change on the agenda for the Special Meeting to be held May 22, 1996 for review and decision. The motion was SECONDED by Council Member Kathy Walker. Mrs. Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Chairperson Pauline Warner 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. Mrs. Warner asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mrs. Warner declared the meeting adjourned at 9:15 p.m.


PAULINE WARNER, Chairperson


DOROTHY JEFFEY, City Recorder

MINUTES APPROVED: P&Z 05-22-96