

CITY OF DELTA, UTAH
PLANNING & ZONING COMMISSION MEETING
FEBRUARY 26, 2009

PRESENT

Vance Bishop	Chairman
Robert Banks	City Council Representative
Micah Chase	Commission Member
O. Dale Riding	Commission Member
R. Dale Roper	Commission Member
Liz Webb	Commission Member
Roger Zeeman	Commission Member

ABSENT

Dana Rempp	Commission Member
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ALSO PRESENT

Alan Riding	Zoning Officer
Karen Johnson	Planning & Zoning Secretary
Larry & Ann Dixon	City Residents
Gayle Bunker	Delta City Mayor
Kiley Chase	City Council Member
Rodney Phillipsen	City Resident
Lenore Fowles	Area Resident
Jason Fowles	Area Resident
Esther Duncan	City Resident
Clark Johnson	City Resident
Jan Johnson	City Resident
Colleen Atkinson	City Resident
Jordan Smith	Boy Scout
Hunter Johnson	Boy Scout
Lisa Draper	City Resident
Joe & Leslie Duwel	City Resident
Van Stewart	City Resident

Chairman Bishop called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building and had been provided to the Millard County Chronicle/Progress and to each member of the Planning & Zoning Commission at least two days prior to the meeting.

Chairman Bishop asked those in attendance to sign the list at the back of the room so their

attendance can be included in the meeting minutes.

MINUTES

The proposed minutes of a Public Hearing held February 12, 2009 were presented for consideration and approval. Following review, Commission Member R. Dale Roper noted that the statement made by Dee Church on lines 41 and 42 had been made in the regular Planning & Zoning Commission meeting rather than in the public hearing and requested the change be made to the minutes. Commission Member R. Dale Roper MOVED to approve the minutes of the Public Hearing held February 12, 2009, as corrected. The motion was SECONDED by Commission Member Roger Zeeman. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Planning & Zoning Commission Meeting held February 12, 2009 were presented for consideration and approval. Following review, Commission Member R. Dale Roper noted that the statement made by Dee Church in the minutes of the public hearing had been made in the regular Planning & Zoning Commission meeting and requested the change be made to the minutes. Commission Member R. Dale Roper MOVED to approve the minutes of the Planning & Zoning Commission Meeting held February 12, 2009, as corrected. The motion was SECONDED by Commission Member Micah Chase. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

BUSINESS

LARRY DIXON, NEW BEGINNINGS AT SEVEN D'S RANCH: REQUEST FOR CONDITIONAL USE PERMIT TO PROVIDE FOSTER CARE AT APPROXIMATELY 375 NORTH 490 EAST

Chairman Bishop asked those in attendance to make certain that, if they are called on to speak, they state their name before making comments. Chairman Bishop also advised Commission Members that the zoning ordinance for the zone where the conditional use permit is being requested is designated as R-1-B (Single Family Residential - Medium Density). In that zone designation, the permitted uses list states "Single family dwelling may include the rooming of and/or boarding of up to two persons provided no separate kitchen is involved." The conditional use list for the zone designation includes "Family foster home which receive a maximum of four children for regular fulltime care."

There has been some discussion as to whether Mr. Dixon's request comes under a boarding or foster care situation. Chairman Bishop asked Mayor Bunker to contact City Attorney Kaela Jackson to determine whether there is a legal definition and, if so, what definition fits Mr. Dixon's request. Mayor Bunker stated that foster care is a court ordered or non-profit program. City Attorney Jackson indicated that this case would not be foster care. Under the Delta City Zoning Ordinance, Mr. and

Mrs. Dixon would be allowed to board up to two persons in their home without obtaining a conditional use permit. In addition, there would be no hired help allowed because it is an in-home business.

Chairman Bishop asked Mr. Dixon to discuss his request. Mr. Dixon requested that those in attendance express their concerns and he would address those specific concerns and answer any questions which may be asked. Chairman Bishop distributed copies of a portion of the proposal presented at the Planning & Zoning Commission meeting held on February 12, 2009. Mr. Dixon explained that the girls who would live in their family home will have completed a residential stay and have been found clinically sound by clinicians, psychotherapists and psychologists to "mainstream" back into the community. While in the Dixon home, the girls will continue outpatient private therapy with a licensed counselor. The girls will be attending public schools and are required to participate in an extracurricular activity as well as participating in family events with the Dixon family. Mr. Dixon advised that his family had been providing this type of residential care for the past fifteen years.

Chairman Bishop asked Mr. Dixon if he was still seeking a conditional use permit for more than two girls or if he had decided to board only two girls. Mr. Dixon stated that, since the last meeting, plans have changed and he is rescinding his request for a conditional use permit and will be boarding only two girls, which is allowed in the zoning ordinance without the necessity of a conditional use permit. Mr. Dixon stated that he wanted to be open and honest about his plans and that is the reason for approaching Delta City for a conditional use permit.

Chairman Bishop allowed those in attendance to ask questions, which were answered by Mr. Dixon. Colleen Atkinson asked whether the proposal had been permanently changed to have only two girls living in the home. Mr. Dixon answered that it had been permanently changed to have only two girls. Van Stewart asked about parental visitation and how it would affect the neighborhood. Mr. Dixon answered that the parents do not stay in his home. They would typically pick up the child and go to Salt Lake City, Park City, St. George, or Moab for a week or two of vacation. Colleen Atkinson asked Mr. Dixon about his percentage of success with the children who have lived in his home. Mr. Dixon answered that his success rate is approximately 88-89%. Mrs. Atkinson asked what happens if one of the girls breaks the rules, such as using drugs. Mr. Dixon responded that the girls living in his home are randomly drug and tobacco screened and, should one of them decide to start that activity, they would be removed from the home immediately. He would not allow that type of activity in his home or around his children. Leslie Duwel asked why Mr. Dixon chose to move to Delta rather than staying in the Salt Lake area. Mr. Dixon explained his reasons for coming to the Delta area. Lisa Draper asked if Mr. Dixon had asked the school district about enrolling in school. Mr. Dixon said he had not checked with the school district but, in the event Millard School District did not want to enroll the students, he could enroll them at the Baptist Church's school.

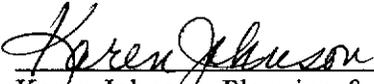
Chairman Bishop stated that, inasmuch as Mr. Dixon has rescinded his request for a conditional use permit and is permitted to board up to two people in the home, there is no action to be taken by the Planning & Zoning Commission.

Commission Member R. Dale Roper MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Roger Zeeman.

Chairman Bishop declared the meeting adjourned at 7:30 p.m.



VANCE BISHOP, Chairman



Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED: P&Z 03-12-09