

CITY OF DELTA, UTAH  
PLANNING & ZONING COMMISSION MEETING  
JULY 9, 2009

PRESENT

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

ABSENT

Dana Rempp	Commission Member
Liz Webb	Commission Member

ALSO PRESENT

Alan Riding	Zoning Officer
Karen Johnson	Planning & Zoning Secretary
Gayle Bunker	Delta City Mayor
Phil Lambertson	City Resident

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

MINUTES

The proposed minutes of a Planning & Zoning Commission Meeting held March 12, 2009 were presented for consideration and approval. Following review, Commission Member R. Dale Roper MOVED to approve the minutes of the Planning & Zoning Commission Meeting held March 12, 2009, as presented. 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

PHIL LAMBERTSON: REQUEST FOR AMENDMENT TO ZONING ORDINANCE TO ALLOW KEEPING OF CHICKENS IN RESIDENTIAL ZONES

Phil Lambertson advised Commission Members he had discussed this issue with City Council

Members and been advised that the best way to obtain permission to house chickens on his property is to obtain enough community support to have the zoning ordinance amended to allow keeping of chickens in residential zones. Mr. Lambertson stated that due to a limited income and a desire to become more self-sufficient he had purchased chickens to raise to provide food for his family. He had the chickens for some time before learning they were not allowed in the Residential 4 (R-4) zone where his home is located.

After talking to City Council Members, Mr. Lambertson obtained signatures from eighty-six residents who were in favor of changing the zoning ordinance to allow keeping of chickens and other small animals within residential zones. The list of signatures was provided to Commission Members, along with a list of information on zoning regulations from several other cities in the state regarding keeping animals in residential zones. Mr. Lambertson reported that those who refused to sign his petition did so because they did not like having roosters crowing. Mr. Lambertson also noted that the crowing rooster problem was the number one complaint brought up at the City Council meeting he attended.

Commission Member R. Dale Roper suggested requiring a permit from the city to keep chickens and allowing public works employees to inspect for cleanliness and monitor noise complaints.

Following discussion, Commission Member R. Dale Roper MOVED to contact some other cities of similar or larger size, including Salt Lake City, Provo, and Salt Lake County, to obtain copies of ordinances and get ideas of what works and does not work in their ordinances. The motion was SECONDED by Commission Member Roger Zeeman. Chairman Bishop asked if there were any comments or questions regarding the motion. City Council Representative Robert Banks asked if we would be infringing on the rights of homeowners by requiring a permit to keep the chickens. Zoning Officer Alan Riding stated that requiring a permit would allow public works employees to know where chickens or other small animals are located when complaints are received. In addition, if a resident is keeping small animals, it could be considered an infringement on a neighbor's homeowner rights if they do not like having animals in a neighbor's yard. Chairman Bishop asked if there were any other comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### MAYOR GAYLE BUNKER: ISSUANCE OF CONDITIONAL USE PERMITS

Mayor Bunker addressed Commission Members regarding the issuance of a conditional use permit for construction of a cellular telephone tower, on property located at approximately 870 North 370 East, which was approved in September, 2008. Mayor Bunker advised Commission Members that the way the matter was handled by the Planning & Zoning Commission was in accordance with our ordinance and was issued properly. Mayor Bunker felt that, in the future, when conditional use permits are being discussed, perhaps we should notify property owners within a 300 foot or 500 foot radius of the location of the conditional or other use of the property, so that affected property owners will have the opportunity to voice their feelings regarding the proposed conditional use. Perhaps additional language should be incorporated into our ordinance outlining distances from homes for

towers and antennas. In addition, we should designate which areas are not acceptable for a particular use in order to eliminate as many future problems as possible.

Chairman Bishop asked Commission Members to look closely at the proposed new zoning ordinance, which they have been reviewing, to determine what uses we want to allow in different zones and if there are any uses we want to keep out of some zones. Chairman Bishop also suggested that notification of adjacent property owners should be written in our new zoning ordinance and requested that Commission Members review where property owner notification should be required. Commission Member R. Dale Roper mentioned that he had attended some training in Delta, provided by the Utah League of Cities and Towns, for those who are involved in planning and zoning issues. Commission Member Roper stated that the training specifically brought out that zoning ordinances typically provide permitted uses and conditional uses then include a statement allowing "other uses deemed consistent . . ." which the trainer suggested be left out of zoning ordinances. The suggestion was that, if it is felt a particular use should be included in the zone, the matter should be taken before the planning and zoning commission for a decision as to whether or not it should be allowed. Chairman Bishop agreed with the suggestion and asked that Commission Members remember this counsel while reviewing the proposed ordinance.

Mayor Bunker invited all members of the Planning & Zoning Commission to attend Planner's Day at the Utah League of Cities and Towns annual conference held the second week in September. They set aside Thursday to discuss planning and zoning issues. Chairman Bishop felt that it would be more advantageous for Commission Members to have a trainer attend a regular planning and zoning meeting to provide training where members would be able to ask specific questions pertaining to our area rather than listening to presentations geared more toward larger metropolitan areas.

Mayor Bunker expressed appreciation to Commission Members for the time they give to planning and zoning issues and their diligence in deciding matters which come before them.

Mayor Bunker asked Commission Members if they had any input for the City Council regarding to what extend dogs should be banned from city parks. The City Council is currently discussing whether or not dogs should be banned from the parks or if they should allow dogs on a leash so long as their owners clean up after them. Some Commission Members felt dogs should not be allowed in city parks. Zoning Officer Alan Riding suggested allowing no dogs in the park but designating and area just north of the skate park as a dog area and providing necessary supplies for owners to pick up after their dogs. Commission Members felt that would be a good solution to the problem.

#### ZONING OFFICER ALAN RIDING: ZONING ORDINANCE REVISION

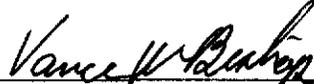
Zoning Office Alan Riding provided Commission Members with a copy of the proposed zoning ordinance which included changes suggested on the first draft. He requested that Commission Members critically review the second draft, from an administrative point of view, to make certain we adopt an ordinance that is clear and concise. Zoning Officer Riding instructed Commission Members to make notes and prepare to discuss the proposed ordinance at a future Planning &

Zoning meeting. Chairman Bishop asked if it would be helpful for Commission Members to have some planning & zoning training prior to finalizing the proposed ordinance so they would know what questions they should be considering. Commission Members felt it would be very helpful to have some training to help in reviewing the information in the proposed zoning ordinance.

We will attempt to find someone to provide planning and zoning training during a regular meeting night sometime in the next within the next month or two.

Chairman Bishop asked if there were any comments, questions, or other items to be discussed. There being none, Commission Member R. Dale Roper MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Roger Zeeman. Chairman Bishop asked for a vote. The motion passed unanimously.

Chairman Bishop declared the meeting adjourned at 7:55 p.m.

  
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VANCE BISHOP, Chairman

  
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Karen Johnson, Secretary

MINUTES APPROVED: P&Z 08-13-09