

CITY OF DELTA, UTAH  
PLANNING & ZONING COMMISSION MINUTES  
APRIL 8, 2010

PRESENT

Vance Bishop	Chairman
Micah Chase	Commission Member
O. Dale Riding	Commission Member
R. Dale Roper	Commission Member
Linda Sorensen	Commission Member

ABSENT

Dana Rempp	Commission Member
Tom Stephenson	Council Representative
Roger Zeeman	Commission Member

ALSO PRESENT

Alan Riding	Zoning Officer
Karen Johnson	Secretary

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, was posted on the Utah Public Notice website, and was 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 Public Hearing held December 10, 2009 were not included in meeting packets. Those minutes will be on the agenda for approval at the next Planning & Zoning meeting.

The proposed minutes of a Regular Planning & Zoning Commission Meeting held December 12, 2009 were presented for consideration and approval. Following discussion, Commission Member R. Dale Roper MOVED to approve the minutes of the Regular Planning & Zoning Commission Meeting held December 10, 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

Commission Members reviewed the proposed Delta City Zoning Ordinance, Revision 3. Zoning Officer Riding indicated that changes suggested on Revision 2 have been made but there are a few

areas which need a decision by Commission Members. He called attention to page 33, Section 9-3-2.F. which states, "The Planning Commission reviews, holds a public hearing and forwards a recommendation to the City Council regarding each application for subdivision approval, subdivision plat amendment. . . ." Zoning Officer Riding stated that the City Council is currently the body which holds the public hearing, following the recommendation of the Planning Commission. Chairman Bishop stated that he did not believe state law required the Planning Commission to hold a public hearing. Commission Member Roper felt that the public hearing should be held by the City Council rather than the Planning Commission. Inasmuch as the final decision is made by the City Council, they should be the body which hears comments made at the public hearing.

Commission Member R. Dale Roper MOVED to strike the language "holds a public hearing" from Section 9-3-2.F. on page 33 of the Proposed Delta City Zoning Ordinance, Revision 3. 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.

Chairman Bishop asked about a conversation which had been held at a previous meeting regarding giving authority to the Land Use Administrator to make decisions on small subdivisions and felt that we should determine what size subdivision could be approved without coming before the Planning Commission. This change would be in accordance with new Utah State law which allows the change in subdivision approval. Zoning Officer Riding felt that single lot subdivisions could be approved in his office but he would not be comfortable with responsibility of approving any subdivision of more than three lots.

Commission Member R. Dale Roper MOVED to add language to the Delta City Subdivision Ordinance which would allow the Zoning Officer to approve subdivisions of one to three lots, with subdivisions consisting of four or more lots requiring review by the Planning & Zoning Commission. 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.

Chairman Bishop requested that Zoning Office Riding and Secretary Karen Johnson put language together to make this change and have the language reviewed by City Attorney Kaela Jackson prior to bringing it before Commission Members for approval.

Commission Members reviewed Section 9-4-2 on page 47 and questioned whether we should use current dates rather than Planning Commission terms beginning in 1986, 1987, and 1988. Commission Members felt this question should be addressed by City Attorney Kaela Jackson.

Commission Members also discussed whether the Council Representative on the Planning Commission should be a voting member. Following discussion, Commission Member R. Dale Roper

MOVED to include language allowing the City Council Representative to have all rights and authorities of other Commission Members with the exception of acting as Chairman or Vice Chairman. 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.

Chairman Bishop noted that the Chairman currently does not vote except to break a tie vote or when the vote of the Chairman is necessary to make a quorum. Chairman Bishop asked if we should include language specifically limiting the vote of the Chairman to those instances when the vote is necessary to break a tie and/or to make a quorum.

Commission Member R. Dale Roper MOVED to allow the Chairman or Vice Chairman, if they are conducting the meeting, to be a voting member only when necessary to break a tie vote and/or to provide a quorum to conduct business. 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.

Commission Members then reviewed Section 9-6-4.A. which states : "A non-conforming use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed." Commission Members discussed whether or not the one year period should be reduced. Zoning Officer Riding indicated that our current ordinance provides that a non-conforming use that is discontinued for a continuous period of thirty (30) days is presumed abandoned. Council Members discussed the need to comply with state guidelines as well as adopt the shortest non-use period which is legal.

Commission Member R. Dale Roper MOVED to table discussion of Section 9-6-4.A. pending review by City Attorney Kaela Jackson. The motion died for lack of a second. Commission Member Micah Chase MOVED to change the language of Section 9-6-4.A. from " . . . a continuous period of one (1) year . . ." to read " . . . a continuous period of thirty (30) days . . ." if that period of time is in accordance with state law as determined by the review of City Attorney Kaela Jackson.. The motion was SECONDED by Commission Member O. Dale Riding. Chairman Bishop asked if there were any comments or questions regarding the motion. Commission Member Linda Sorensen asked for clarification of the difference between a conditional use and a non-conforming use. Zoning Officer Riding explained the difference between a conditional use and a non-conforming use. Chairman Bishop asked if there were any more comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Commission Members reviewed Sections 9-13-2.A(5), 9-13-2.B(5) and 9-13-2.C(5) and questioned why there is a one-quarter mile radius requirement between location of residential facilities for disabled persons, elderly or youth. Following discussion of the requirement, Commission Member R. Dale Roper MOVED to strike the one-quarter mile restriction between residential facilities in Sections 9-13-2.A(5), 9-13-2.B(5) and 9-13-2.C(5). The motion was SECONDED by Commission

O. Dale Riding, 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.

Commission Members reviewed proposed language to be used in Section 9-11 pertaining to Antennas and Towers. The proposed language covered requirements for small wind energy systems and wind monitoring tower/equipment. The proposed language was compiled from language contained in the ordinances currently used by Cedar City and Springville. Commission Members reviewed the proposed language and determined which requirements meet our needs. When corrected, this language will be included in Section 9-11 of the Proposed Delta City Zoning Ordinance prior to holding a public hearing.

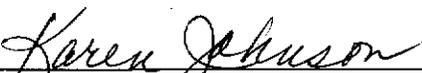
Zoning Officer Riding advised Commission Members that he has been reviewing ordinances from three other cities in Utah in an attempt to come up with language governing communications towers but has been unable to come to any conclusion as to what requirements and restrictions should be included. Zoning Officer Riding suggested the possibility of using the proposed language governing small wind energy systems as a basis for communication towers, and modifying the language to fit communication towers, rather than attempting to incorporate bits and pieces of existing ordinances from other cities. Issues which need to be considered in creating ordinance language include fall zones and structure types. The obvious critical issues for communication towers would be type of structure, fall zone, and height restrictions. Chairman Bishop noted that communication towers need to be located on the highest point possible to provide the best signal, therefore, we need to create some non-residential zones which will allow construction of communication towers.

Zoning Officer Riding suggested that we determine in which zones we will allow small wind energy systems and communication or other types of towers are only allowed in specific zones; i.e, light industrial, public/quasi-public, etc. Zoning Officer Riding requested input from Commission Members to assist with proposed language for Section 9-11 which would include small wind energy systems and communication or other types of towers. Chairman Bishop and Commission Member Chase will attempt to make contact with some technical resources in an attempt to determine what language should be included in the proposed ordinance.

There being no additional business on the agenda, Commission Member R. Dale Roper MOVED to adjourn the meeting. The motion was SECONDED by Commission Member O. Dale Riding.

Chairman Bishop declared the meeting adjourned at 8:20 p.m.

  
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VANCE BISHOP, Chairman

  
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Karen Johnson, Planning & Zoning Secretary