CITY OF DELTA, UTAH
PLANNING & ZONING COMMISSION MEETING
OCTOBER 11, 2012

PRESENT

Linda Sorensen	Vice Chairman
Linda Beard	Commission Member
Rand Crafts	Commission Member
Steven Pratt	Commission Member
Tom Stephenson	City Council Representative
Roger Zeeman	Commission Member

ABSENT

Vance Bishop	Chairman
Alan Johnson	Commission Member

ALSO PRESENT

Alan Riding	Zoning Officer
Karen Johnson	Secretary
Todd Anderson	City Attorney
Dillon & Brittney Pace	City Resident
Jim Robson	Curley's Lounge
Barbara Mahlum	
Jim Dix	Reptile Rescue Service
Gayle Bunker	Delta City Mayor
Greg Schafer	City Recorder

Vice Chairman Linda Sorensen called the meeting to order at 7:00 p.m. She stated that notice of the meeting time, place and agenda had been posted at the City Building and on the Utah Public Notice website 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.

MINUTES

The minutes of a Planning & Zoning Commission Meeting held August 9, 2012, were presented for consideration and approval. Commission Member Rand Crafts MOVED to table approved of the minutes until the next meeting. The motion was SECONDED by Commission Member Roger Zeeman. Vice Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Steven Pratt, Tom Stephenson and Roger Zeeman and voting in favor and Chairman Vance Bishop and Commission Member Alan Johnson being absent.

BUSINESS

DILLON AND BRITTNEY PACE: REQUEST TO RELOCATE A UTILITY EASEMENT AND MODIFY A SUBDIVISION PLAT ON PROPERTY LOCATED AT APPROXIMATELY 119 SOUTH LOCUST AVE.

Vice Chairman Sorensen stated that, just prior to this meeting, a public hearing had been held to receive public comment regarding this request to relocate a utility easement and modify a subdivision plat on property located at approximately 119 South Locust Avenue. Commission Member Rand Crafts provided a summary of the comments from the public hearing. He stated that there is a recorded final plat on the property being discussed and the City Attorney feels that we have a process in place to govern future development in the area.

Commission Member Linda Beard MOVED to approve the request to relocate a utility easement and modify a subdivision plat on property located at approximately 119 South Locust Avenue, as requested by Dillon and Brittney Pace. The motion was SECONDED by Commission Member Rand Crafts. Vice Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Steven Pratt, and Tom Stephenson Roger Zeeman voting in favor and Chairman Vance Bishop and Commission Member Alan Johnson being absent.

JAMES ROBSON, CURLEY'S LOUNGE: REQUEST FOR CONDITIONAL USE PERMIT TO INSTALL HORSESHOE PITS AND SPONSOR TOURNAMENTS BEGINNING AT 8:00 P.M. ON SATURDAY AND ENDING AT 12:00 NOON ON SUNDAY AND TO CLOSE 50 NORTH STREET DURING SUCH TOURNAMENTS

James Robson, of Curley's Lounge, presented his proposal to install six horseshoe pits on property he owns adjacent to 50 North and 300 West streets. Mr. Robson plans to sponsor horseshoe tournaments beginning at 8:00 p.m. on Saturday and running until noon on Sunday, including providing a dinner or breakfast for participants. Mr. Robson has contacted the neighboring property owners and none have responded negatively to his plan. The plan includes installation of lights, which would shine to the south, and concrete barriers to dampen sound for neighbors. Mr. Robson has contacted the Department of Alcoholic Beverage Control to obtain a special event permit to provide alcohol at the event. The cost of the permit is $550 to $1,000 depending upon whether he provides beer only or if he includes liquor. The permit will allow outdoor service and requires a separate bond. Mr. Robson would also like to block vehicle traffic on 50 North Street because participants will be walking and standing in the area of the horseshoe pits.

Mr. Robson does not know whether this will be a successful venture but he would like the opportunity to see if it will work. If allowed to do this, he expects to draw 50 to 200 participants from the six-county area. These participants will be bringing campers, staying in motels and eating at restaurants in the area. Mr. Robson felt that, if the horseshoe tournaments are successful, it will

be a positive thing for the area. Mr. Robson reiterated that the bond he is required to carry will cover any damage or liability created by the event.

Vice Chairman Sorensen expressed concern about noise and light affecting neighbors during the tournaments. Vice Chairman Sorensen was also concerned as to whether the neighbors understood exactly what Mr. Robson was proposing and how it would affect them. She wanted neighbors to be well informed of what is proposed so they can make an informed decision as to whether they are in support.

Vice Chairman Sorensen asked Mr. Robson to prepare a flyer, to be distributed to neighbors, outlining the details of what he is proposing. Commission Member Rand Crafts suggested that we schedule a public hearing to receive comment from residents who may be affected by Mr. Robson's proposal. Commission Member Rand Crafts summarized that Mr. Robson is to provide information to neighbors, including neighboring businesses, and provide information regarding his insurance /bonding level for the events.

Following discussion, Commission Member Rand Crafts MOVED to table further discussion of this matter and schedule a public hearing to receive public comment regarding the proposed sponsorship of horseshoe tournaments on Thursday, November 8, 2012 at 6:30 p.m. The motion was SECONDED by Commission Member Roger Zeeman. Vice Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Steven Pratt, Roger Zeeman and Tom Stephenson voting in favor and Chairman Vance Bishop and Commission Member Alan Johnson being absent.

Vice Chairman Sorensen noted the presence of James Dix, Reptile Rescue Service, who was not on the agenda. Vice Chairman Sorensen asked Mr. Dix to come forward and advised him that Commission Members had no information nor indication that he would be in attendance at the meeting. Mr. Dix stated he understood that he was to be in attendance at this meeting as a result of the discussion at the Planning & Zoning Commission Meeting held August 9, 2012. He was unaware that he needed to advise anyone that he would be in attendance.

Mr. Dix reported that he had provided emergency response information to Zoning Office Riding for his review. Mr. Dix also reported that he had talked with the Fire Chief, who stated that he would fight a fire at Reptile Rescue Service from the outside rather than entering the building. The Millard County Emergency Manager said they would be directing traffic in the event of an emergency at Reptile Rescue Service and would not be entering the building to remove animals. Thus, in the event of an emergency, animal safety would be the responsibility of Reptile Rescue Service. If Mr. Dix was absent, the volunteers would be available to take care of the animals. They have cages to house every animal and the cages, along with catch tools, have been shown to the Delta City Animal Control Officer.

Mr. Dix explained that he has been instructed to keep his doors closed to the public but it is necessary to keep his doors open in order to receive daily deliveries of food and animals. Mr. Dix is not charging admission to the facility and has a sign advertising suggested donation of $10 for adults and $6 for children and senior citizens.

Vice Chairman Sorensen asked City Attorney Anderson whether Mr. Dix had fulfilled the requirements outlined at the previous Planning & Zoning Commission Meeting. City Attorney Anderson responded that Mr. Dix was instructed to make application to Delta City for a determination as to whether the Conditional Use Permit allows Reptile Rescue Service to be open to the public. The second issue is whether or not he is required to obtain a business license. City Attorney Anderson felt that use of the animals on movie sets fits the criteria of conducting business, even if admission fees are not charged. The larger issue is whether the Conditional Use Permit allows Mr. Dix to be open to the public, as determined by the Planning & Zoning Commission. At the last meeting the option was left open to allow him to provide information to the Planning Commission that he is in compliance with the terms of his Conditional Use Permit.

Commission Member Crafts asked if City Attorney Anderson could reiterate the conditions outlined in his letter to Mr. Dix . City Attorney Anderson recited the conditions he could remember from the letter.

Vice Chairman Sorensen informed Mr. Dix that, even though this matter was discussed at the previous meeting, he needs to contact the Delta City office and request that he be placed on the meeting agenda so that all information regarding his Conditional Use Permit can be disseminated to Commission Members prior to the meeting. At this point, because Mr. Dix did not make certain he was on the agenda, Commission Members are totally unprepared to discuss his situation. City Attorney Anderson explained that Mr. Dix was clearly instructed, at the previous meeting, that he needed to make application to have the Conditional Use Permit clarified as to whether or not he could engage in the activities being conducted at the site.

Mr. Dix took issue with the assumption that he cannot be open to the public because of safety issues when he is the person who does reptile handling safety training for various public safety personnel throughout the state.

Vice Chairman Sorensen informed Mr. Dix that the only thing Delta City and the Planning Commission is asking is that he meet the conditions in his Conditional Use Permit. Vice Chairman Sorensen advised Mr. Dix of the items included in the motion passed at the last meeting such as, Mr. Dix as to provide proof to the zoning officer that he is in complete compliance with all terms of the Conditional Use Permit, that he provide a Comprehensive Emergency Management Plan and Comprehensive Animal Shelter Management Plan and that Mr. Dix stops and desists from business-like activities at Reptile Rescue Service. Commission Member Steven Pratt included that, inasmuch as Mr. Dix did not get on the agenda for this meeting, Commission Members can take no action. Vice Chairman Sorensen advised Mr. Dix that it would be in his best interest to obtain a business

license, then he could charge admission and operate like a business.

Vice Chairman Sorensen suggested that Mr. Dix contact the Delta City office and request to be on the agenda for the next Planning & Zoning Meeting so Commission Members can be prepared by reviewing his information prior to the meeting. They can then discuss and make an appropriate decision as to whether or not Reptile Rescue Service is in compliance with the original Conditional Use Permit. Vice Chairman Sorensen noted that making the effort to be placed on the meeting agenda benefits Mr. Dix because Commission Members are prepared to discuss his issues.

Commission Member Crafts asked if Mr. Dix is still issuing flyers. Mr. Dix said they have flyers that are still out. Commission Member Crafts noted that, when Mr. Dix originally came to Delta for a Conditional Use Permit, there was discussion about having Mr. Dix obtain a bond or insurance if he wanted to be open to the public. Mr. Dix stated that due to the prohibitive cost of insurance, he is unable to obtain insurance. Commission Member Crafts suggested this matter needs to be discussed further at a future meeting when Mr. Dix is on the agenda so that action can be taken.

City Attorney Anderson advised Commissioners that Delta City staff is looking for a recommendation from the Planning & Zoning Commission as to how to handle this situation. In the opinion of City Attorney Anderson, the next step is for Mr. Dix to apply for an amendment to his Conditional Use Permit so the permit matches the activities taking place at the location. City Attorney Anderson also added that the existing Conditional Use Permit is due for re-evaluation and renewal in a couple of months.

City Attorney Anderson stated that Mr. Dix is in substantial compliance with the Conditional Use Permit but the question is whether Reptile Rescue Service can be open to the public under the terms of the existing Conditional Use Permit. Vice Chairman Sorensen asked Mr. Dix if he had any insurance at all, to which he replied that the only insurance he can get is special event insurance which is issued for a fair or other type of short term event. Vice Chairman Sorensen noted that petting zoos have insurance and suggested that Mr. Dix explore obtaining similar insurance. Mr. Dix responded that all of his animals are in cages so that no one can touch them Vice Chairman Sorensen indicated that the Planning Commissioners are at a disadvantage because they have no experience with this type of operation.

Commission Member Steven Pratt advised Mr. Dix that the Planning Commission had attempted to send a strong message to Mr. Dix at the last meeting by outlining some conditions as to what was required and what would be allowed. Commission Member Pratt felt that there had been open, blanket disregard for both the Planning Commission and for what has been requested from him. Mr. Dix did not see a difference between allowing him to be open by appointment only and being open to the public. Commission Member Crafts noted that, at the last meeting, Commission Members attempted to assure that Mr. Dix would be in compliance by this meeting but be allowed to continue to do training and education. Commission Member Crafts felt that Planning Commissioners had done all they can do until Mr. Dix applies for modification of his Conditional Use Permit.

Vice Chairman Sorensen instructed Mr. Dix that he needs to ask questions and gather information necessary to come into compliance with the terms of his Conditional Use Permit. She advised Mr. Dix that he can ask Delta City employees for information necessary to fulfil the requirements and to make certain that he is on the agenda for the November 8th meeting.

Zoning Officer Riding suggested that he exercise his discretion to allow the status quo on this matter until the next meeting, scheduled on November 8, 2012. If no application to amend the Conditional Use Permit is received at the Delta City office by November 5, 2012, the Conditional Use Permit will be revoked unless Mr. Dix has determined that he will not be open to the public.

Commission Member Pratt addressed Mr. Dix explaining that, if he does not get his name on the agenda for the next meeting, the hands of the Planning & Zoning Commission are tied because there will be nothing the Commission can do for him. Mr. Dix stated that he will obtain an application for amending the Conditional Use Permit before he leaves the building tonight and have it turned in within two weeks. Commission Member Pratt re-emphasized that, if Mr. Dix is not on the agenda, the Commission can take no action to assist him.

Vice Chairman Sorensen asked if there were any additional comments, questions, or items to be discussed. There being none, Commission Member Rand Crafts MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Steven Pratt. Vice Chairman Sorensen asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Steven Pratt, Tom Stephenson and Roger Zeeman voting in favor and Chairman Vance Bishop and Commission Member Alan Johnson being absent.

Vice Chairman Sorensen declared the meeting adjourned at 8:30 p.m.

LINDA SORENSEN, Vice Chairman

Karen Johnson, Planning & Zoning Secretary

MINUTES APPROVED: P&Z 11-08-12