



Planning & Zoning Commission

Regular Meeting

Thursday, August 11, 2016

Delta City Building Council Chambers

76 North 200 West

Delta, Utah

PRESENT

Linda Sorensen, Chairwoman

Linda Beard, Member

Wes Duncan, Member

Rand Crafts, Member

John Niles, City Liaison

Richard Jones, Member

ABSENT

Alan Johnson, Member

Roger Zeeman, Member

Lora Fitch, Deputy Recorder

Travis Stanworth, Assistant Code Enforcement Officer

ALSO PRESENT

Dent Kirkland, Code Enforcement Officer

Todd Anderson, City Attorney

Phil Diaz, Delta Citizen

Brian Christensen, Delta Citizen

Tom Stanworth, Delta Citizen

Kiley Chase, Council Member

Jackie Nielson, Delta Citizen

Craig Nielson, Delta Citizen

Jenna Jones, Delta Citizen

Esther Stanworth, Delta Citizen

Chair Woman Sorensen called the meeting to order at 7:03 p.m. She stated that notice of the time, place and the agenda of the meeting had been posted at the City Building, on the Utah Public Notice website, the Delta City website, and had been provided to the Millard County Chronicle-Progress and to each member of the Commission at least two days prior to the meeting.

MINUTES

The proposed minutes of a Planning & Zoning Commission Meeting held July 14, 2016 were presented for consideration and approval. Commission Member Beard made a MOTION to accept the Planning and Zoning Minutes of July 14, 2016 as presented. Commission Member Crafts SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and City Representative Niles in favor and Members Johnson and Zeeman being absent.

BUSINESS

Storage Container on Property at 978 N 400 E.

Bryan Christensen informed the Commission that he had ordered and placed the storage unit before he found out that he needed a conditional use permit for it. Mr. Christensen stated that the unit is placed approximately 12 feet off of one property boundary and 10 feet off of the other at 978 N 400 E. When asked if it was permanent, Mr. Christensen stated that it was. The Commission discussed whether or not there were covenants that would forbid storage units in the subdivision and it was agreed that the Commission was not aware of any. Commission Member Crafts stated that usually with conditional use for storage containers they have to be painted, they have to be set on a pad, and they have to meet the offset requirements for the property. They discussed what the pad could be made out of with a minimum of road base but, Mr. Christensen would need to check the subdivision covenants to see if there are any pad material requirements for accessory buildings. Mr. Christensen confirmed that he was not running power to the storage container. The Commission referred to the subdivision ordinance to note that the storage container would need to be either the same color as the primary building on the property or a neutral color. Code Enforcement Officer Kirkland informed the commission that the ordinance requires that the setbacks be at least 50 feet from the front of the property line, 10 from the side, and 10 from the rear. Commission Member Crafts made a MOTION to approve the conditional use permit requested by Bryan Christensen to add a storage container to his property at 978 N 400 E with the following conditions: that it is a one container 8 foot by 40 foot, it will be placed on a minimum of road base pad, painted to match the principal dwelling or a neutral color, and meet the offsets of at least 50 feet from the front, 10 feet from the side, and 10 feet from the back. Commission Member Duncan SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and City Representative Niles in favor and Members Johnson and Zeeman being absent.

Conditional Use for Child Care Facility at 351 S 100 W

Jackie Nielson informed the Commission that she had moved her child care facility to the building just south of Mom's Crafts. Code Enforcement Officer Kirkland informed the Commission that the building is zoned R4. Commission Member Crafts asked if there was a limit on number of children that would be attending. Mrs. Nielson stated that she was licensed with the State and the State regulates the number of children allowed. Member Crafts informed Mrs. Nielson what requirements the City has for child care facilities which are: proof of license with the state, current compliance with license, a design that does not include a front yard playground, parking/traffic plan, one and a half parking spaces per employee. Code Enforcement Officer Kirkland stated that the parking stalls/spaces need to be 9 by 9 feet and that having inspected the location he has no other concerns. Commission Member Duncan asked how many children

were anticipated and what the restroom situation is. Mrs. Nielson stated about 42 to 45 children and that there are 3 bathrooms that meet state requirements. Commission Member Jones suggested some sort of lighting for the parking to provide adequate light in the winter. Commission Member Crafts made a MOTION to approve the conditional use permit requested by Jackie Nielson for a child care facility at 351 S 100 W with the following conditions: that she meets the requirements of the conditional use standards of review under title 12-9 where it requires proof of and compliance with a state child care license, no front yard playground, no parking in traffic, one and one half 9 x 9 foot parking space per employee, and floodlighting in the parking area to watch for children. Commission Member Jones SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and City Representative Niles in favor and Members Johnson and Zeeman being absent.

Conditional Use Permit Storage Container at 872 W 100 N

Esther Stanworth explained the location of the storage unit and that there is more than 10 feet between the container and the building on the property. Mrs. Stanworth stated that the storage container is about 40 by 8 feet. Tom. Stanworth stated that it is about 14 feet from the street. Code Enforcement Officer Kirkland stated that the storage unit would need a setback of at least 20 feet from the road, 10 feet from the side of the property, and 10 feet from the back of the property. Commission Member Crafts asked if the storage container is on asphalt. Mr. Stanworth stated that it is sitting on gravel. Code Enforcement Officer stated that he has no concerns about the storage container. Commission Member Crafts made a MOTION to approve the conditional use permit for a storage container at 872 W 100 N with the stipulation that the City verifies the clearance around the side of the property is sufficient. Commission Member Duncan SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and City Representative Niles in favor and Members Johnson and Zeeman being absent.

Recommendations for Cost Sharing

Code Enforcement Officer Kirkland stated that he had gone before the City Council again to get an idea on what their thoughts were regarding cost sharing and they felt that the best would be to get the commission's recommendations for cost sharing. City Attorney stated that the way the cost sharing is worded in the subdivision ordinance is vague and ambiguous and unenforceable. The second concern is that the wording is so broad that the City might not be able to afford it. There was a discussion about cost sharing and what situations it should and should not be applicable. Commission Member Crafts suggested that for the policy Attorney Anderson put in writing what has been done in the past and how it would work on existing property. There was a discussion about the changes that City Attorney Anderson had proposed for the subdivision ordinances. Commission Member Crafts noted that there was need for a correction for the strike

out of cost sharing on page 63. Commission Member Crafts made a MOTION to recommend to the City Council to accept the changes outlined as presented in the May 12 Commission Meeting with the correction on page 63 and further recommend that the City Attorney provide an outline for discussion for policy to help address changes to sidewalks for existing as well as new construction for recommendation for the City Council in the future. Commission Member Jones SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and City Representative Niles in favor and Members Johnson and Zeeman being absent.

Creating A New Zone – Rural Residential 2 Acre Non-modular (RR2NM)

The creating of this new zone was included in the changes motioned for in the previous agenda item.

OTHER BUSINESS

Code Enforcement Officer Kirkland talked to the Commission about the possible mobile home park applicant. Code Enforcement Officer Kirkland informed the Commission about the recent increase of interest in solar panels and that there was currently no ordinance regarding them and asked what their thoughts were with regards to them. Commission Member Crafts stated that if they weren't on a roof they would need to be considered an accessory structure. There was a discussion about what issues would need to be dealt with regards to solar panels on roofs versus mounted on post. The differences in regulation between residential use and solar farms was also discussed. Requiring conditional use permits for solar panels was discussed. City Attorney Anderson agreed to put together a broad stroke ordinance regarding solar panels for the Commission to look over, and noted that it would need a public hearing.

With no other questions or concerns, Commission Member Crafts MOVED to adjourn the meeting. Commission Member Beard SECONDED the motion. The motion passed with Commission Members Beard, Crafts, Duncan, Jones, and City Representative Niles in favor and Members Johnson and Zeeman being absent.

Chair Woman Linda Sorensen declared the meeting adjourned at 8:44 p.m.

Minutes Approved

Lora Fitch, Deputy Recorder