27 July 2017 Minutes

KAYSVILLE CITY PLANNING COMMISSION

July 27, 2017

Members Attending: Chairperson Betty Parker, Matthew Anderson, Gary Bullock, Stroh DeCaire, Lorene Kamalu, Joshua Sundloff

Excused: Thomas Wood

Staff Present: Zoning Administrator Lyle Gibson, Secretary Annemarie Plaizier

Others Present: Council Member Larry Page, Tara Zaugg, Ed Zaugg, Milissa Ramirez, Timothy Thomas

OPENING

The Planning Commission meeting was held on Thursday, July 27, 2016 at 7:00 p.m. in the Municipal Center.

Chairperson Betty Parker opened the meeting by welcoming those present. The minutes of the July 13, 2017 meeting was presented for approval.

Stroh DeCaire made a motion to approve the minutes of the July 13, 2017 meeting. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR A MAJOR HOME OCCUPATION "B", PRESCHOOL AT 1007 EAST MANCHESTER ROAD – TARA ZAUGG

Lyle Gibson explained that Mrs. Zaugg is requesting a conditional use permit for a major home occupation "B" to run a preschool from her home at 1007 East Manchester Road. She plans to start with one class per day, with not more than eight students at one time. Her students will range in age from three to four years old. Staff has spoken with Mrs. Zaugg and notified her that if she holds more than one class per day that the classes would need to be staggered so as to help alleviate any traffic congestion.

Tara Zaugg added that because she lives near Morgan Elementary School, she plans to stagger her start time from theirs and will hold class from 9:15 a.m. until 11:45 a.m.

Betty Parker asked if Mrs. Zaugg had spoken with her neighbors about her business intentions.

Tara Zaugg responded that she had spoken with many of them and had received no complaints or concerns. Many of the children that will come to her class will be from the neighborhood and parents will walk them to her home for class. If parents do drive she will instruct them to park in her driveway to try to keep cars off of the road.

Stroh DeCaire made a motion to grant a conditional use permit for a major home occupation "B", preschool at 1007 East Manchester Road for Tara Zaugg. Lorene Kamalu seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 601 EAST 250 NORTH – TIMOTHY THOMAS

Lyle Gibson explained that Timothy Thomas is requesting a conditional use permit to keep farm animals, specifically chickens, on his property at 601 East 250 North. The property is zoned R-1-8 and is 0.28 acres in size, which allows them up to seven fowl, rabbits, or similar animals. There is no coop on site as of yet, but Staff has discussed the placement of the coop with the applicant to ensure it will meet city regulations. The rear yard of the property is enclosed with a fence.

Matthew Anderson made a motion to grant a conditional use permit for farm animals at 601 East 250 North for Timothy Thomas. Stroh DeCaire seconded the motion and it passed unanimously.

CONDITIONAL USE PERMIT FOR FARM ANIMALS AT 2008 WEST BONNEVILLE LANE – MILISSA RAMIREZ

Lyle Gibson explained that the Ramirez family lives at 2008 West Bonneville Lane and is requesting a conditional use permit to keep chickens on their property. The Ramirez's have had the chickens on site for almost a year now but were unaware that a conditional use permit was required until recently. They are requesting a conditional use permit in order to get into compliance. The Ramirez's property is 0.46 acres in size, allowing them to keep up to twenty-five fowl, rabbits, or similar animals. There is a coop on site and they are in the process of having their entire rear yard enclosed with a fence. There have been no complaints about the Ramirez's chickens.

Gary Bullock made a motion to grant a conditional use permit for farm animals at 2008 West Bonneville Lane for Milissa Ramirez. Lorene Kamalu seconded the motion and it passed unanimously.

DISCUSSION OF POTENTIAL PROCESS CHANGES REGARDING FARM ANIMALS, MAJOR HOME OCCUPATIONS, LOT LINE ADJUSTMENTS, LOT CONSOLIDATIONS, AND SUBDIVISIONS

Lyle Gibson explained that recently the City Council discussed the city's current noticing process and asked Staff to review it and possibly incorporate other options. Staff is presenting some of those options to the Planning Commission tonight for further input. Conditional use permits are brought before the Planning Commission for approval because of their character and

potential impact on surrounding neighboring properties. Most conditional use permit requests received include farm animals and major home occupational businesses. Staff would like to know the Commission's opinion on what type of noticing is appropriate for these types of requests as well as for other issues. Should the ordinance be changed so certain conditional uses are permitted uses? Should conditional use permits be approved by Staff or should they remain with the Planning Commission? It would probably be best to do the same noticing for all conditional use requests, rather than picking and choosing what should or should not have more noticing.

Gary Bullock said that in the past it has been discussed about grouping conditional use permit requests on the agenda as one item, and approving them as one unless one of the requests is more controversial than another. While we want to remain transparent as a city, is it really necessary to send mailed notice to adjacent property owners for conditional use requests?

Stroh DeCaire agreed that each conditional use request might not need to be addressed individually unless there are extenuating circumstances. Sending mailed notice for simple conditional use permits is unnecessary. Posted notice on the property seems to have been adequate in notifying the neighboring properties of these requests. Transparency has become a great concern with citizens, and we should allow a place for people to come and speak if they have concerns.

Lyle Gibson commented that state law does not require that conditional use permit requests be noticed. It is something the city has been doing on its own to try to keep more transparent. Recently the city has been sending mailed notice to property owners within 500 feet of a property being considered for rezone. Each notice generates about ninety mailers. The more noticing that is required to be done, the more costly it becomes for the applicant.

Betty Parker added that she thinks that it's good for the Commission to review major home occupations because it gives a chance to welcome these businesses to the city.

Lorene Kamalu agreed and said she likes to hear about the businesses that are coming to the city. It seems a nice token of appreciation and support to those businesses, and it's good to have them individually recognized. Mrs. Kamalu suggested having conditional use permit requests for chickens reviewed by Staff.

Stroh DeCaire said that there have been times when people come to the Planning Commission with concerns about a conditional use permit request for chickens.

Josh Sundloff asked why the Commission needs to be involved with the revocation of condition use permits for chickens. It seems that it could be handled by Staff. Mr. Sundloff suggested having those types of permits approved by Staff, and then if there is a problem then let Staff do enforcement on it. Those conditional uses that could potentially have more of a detrimental impact should still be brought before the Commission.

Stroh DeCaire said that most requests to have chickens are pretty straightforward and the current ordinance is easy to follow. Home businesses can vary more in that each one is different type of business in different areas.

Lyle Gibson commented that currently Kaysville City only has one process for all subdivisions including boundary line adjustments and the consolidation of lots. Mr. Gibson asked if the Planning Commission feel like they need to see requests for lot line adjustments or lot consolidations.

The Planning Commission members agreed that lot line adjustment and lot consolidation requests don't seem necessary for Planning Commission review.

Lyle Gibson said that the ordinances would need to be revised to reflect the Commission's desires. Mr. Gibson asked if the Planning Commission would be interested in having more responsibility as the approval body for standard subdivision requests.

Gary Bullock asked about the appeal process if the Planning Commission were to approve subdivisions.

Lyle Gibson responded that if there was an appeal to a decision the Planning Commission made, it would go to the City Council. Currently, because the City Council makes the final decision on subdivision approvals, any appeals go to the district court.

Josh Sundloff commented that some cities have a Board of Adjustment for those types of situations.

Lyle Gibson said that many cities have moved away from having a Board of Adjustment because they tend to rarely meet. Some cities have gone to having a designated Judge who makes the appeal decision. It tends to make the process cleaner and more efficient.

Lorene Kamalu commented that it might help the City Council if the Planning Commission were to take on the final approval of subdivisions.

Matthew Anderson stated that he prefers to see requests continue to go to the Council for approval because he feels it helps to give more guidance and opinions on different requests.

Josh Sundloff said that he feels that the elected body should be making the final decisions on subdivision requests.

Lyle Gibson asked the Commission if they felt the City should provide more notice for subdivisions and should we consider options other than posting required notices in the newspaper.

Josh Sundloff commented that he feels that posting notices in the newspaper doesn't meet our current need and the city should notify citizens through social media, emails and, when possible, through texts.

Lyle Gibson responded that the City Council has recently been looking into a program that would help to better notify citizens by sending alerts by text and email. Mr. Gibson added that Staff will take into consideration the comments made tonight and work on bringing further information or possible ordinance revisions to the Planning Commission in the near future.

Councilman Larry Page stated that he feels that Staff should handle requests from residents to keep chickens on their property. There have been times previously when items are brought before the City Council for review and things have been approved or denied because of pressure from the public. Sometimes a nonelected official would be able to make a better decision because they are not worried about being reelected. It might be better to have the Planning Commission approve subdivisions so that if their decision is appealed it will go to the City Council instead of the courts. However, it is also good for the Council to review subdivisions because it gives a different viewpoint and it informs them of what development is going on in the city. Mr. Page said that he agrees that posting notices in the newspaper is outdated and noticing requirements need to be updated. However, mailed notices might not be ideal because people are so mobile that they don't check their mail anymore. Mr. Page added that the Planning Commission reviews items very efficiently and maybe should take on more responsibilities.

CALL TO THE PUBLIC

Nothing was brought under this item.

CALENDAR

The next regularly scheduled meeting will be held on Thursday, August 10, 2017 at 7:00 p.m.

ADJOURNMENT

Stroh DeCaire made a motion to adjourn. The motion passed unanimously and the meeting adjourned at 8:08 p.m.