

APPROVED

Spring City Corp
Planning and Zoning Commission
Regular Meeting Minutes
April 9, 2008

Roll Call: Keith Chandler (Presiding), Clare Sorensen (Zoning Administrator), Greg Hansen, John Gavrila, Noel Bertelson (Alternate), Lawrence Gardner, Whit Allred (City Treasurer, minutes).

Attending: Kaye Watson, Lyman Compton, Robert Allred, Heath Cook, Lauri Gee, Judy Olthof, Mayor Eldon Barnes, et al.

Meeting called to order 7:05pm.

Approval of previous minutes:

March 12, 2008:

John Gavrila motion to approve minutes as read. Greg Hansen 2nd, all in favor.

Zoning Permits:

Gee zoning permit:

The Gee's are going to build outside City limits so the only question is whether or not the city will provide electricity to them. Lawrence Gardner motion to approve. Greg Hansen 2nd. Further discussion: John Gavrila stated that he couldn't really understand why the planning and zoning commission should have to approve the permits outside city limits. Keith Chandler stated that he would like to have a draft letter from the city council stating to the planning and zoning commission why the planning and zoning commission should be involved in permits outside city limits. Lawrence Gardner stated that the city ordinances state that the planning and zoning commission is required to approve all zoning permits. Mayor Barnes stated that the city code mandates that the planning and zoning commission review all zoning permits and makes no distinction between permits issued for outside and inside city limits. Ideally, the zoning commission will only have to review the permits outside city limits to gain an understanding of the way the city is growing and to plan for future situations. Vote: All in favor.

Fenn zoning permit:

This property is within city limits but out of the reach of the sewer. The sewer will be available in the future and Noel Bertelsen stated that they must be made aware that they will be responsible to hook up to the sewer if in the future it comes within 300 feet of their property. Lawrence Gardner asked Clarence Sorensen if he had reviewed this permit. Clarence stated that he had signed off on it and that all other necessary authorities had checked it out as well before the permit came before the planning and zoning commission. The property is 1.06 acres and has been properly subdivided. It is

within the grid of the packer subdivision roads, and meets all requirements for setbacks and frontage. Noel Bertelsen motion to approve. Lawrence Gardner 2nd, all in favor.

Jason Griffiths zoning permit:

This is a permit for an electrical utility only to be provided, however the city attorney suggested that the city require them to use water and sewer from the city as well. The sewer system is 300 feet away which puts them within the statute that states that they must hook up to the sewer even though there is need for a grinder pump to be put in. Lawrence stated that the power could be installed. There was no other discussion.

Business Licenses:

Lyman Compton:

Mr. Compton is in the commercial zone. He is a realtor and has an existing business in Victory Hall. No questions were asked. Lawrence Gardner motion to approve. Further discussion: Lyman stated that his brokerage is out of Salt Lake City and he didn't think that a business license was necessary. Keith Chandler stated that it is necessary according to Spring City ordinance. Keith further stated that the broker is actually the person that needs to apply so this issue will be tabled until such time as the broker can make application. There was no 2nd, and no vote.

Heath Cook re-zoning request:

Heath has a home auto repair business. He applied for a home business license last meeting which was denied on the basis that auto repair is specifically precluded in the Spring City home business license ordinance. Lawrence Gardner stated that they are in a residential zone and would have to apply for re-zoning. Heath asked if there is a way to request re-zoning. Keith stated that since Mr. Cook has been on the agenda several times for this and because the agenda specifically states that Mr. Cook is making the request that we should consider this his application and hold public hearings to start this process. Mr. Cook stated that if there is no zone in place for this already, that the city really couldn't stop him from conducting business. Lawrence stated that Mr. Cook's property is currently zoned residential and that the ordinances preclude the business as it stands at this date. Public hearing for this request for re-zoning is set for next month and will be scheduled for one hour before the next regular meeting.

Phyllis Snedecor:

Phyllis has several small pieces of property on Main Street within the commercial zone. Without changing the actual total property size, she would like to move the lot lines around to better accommodate commercial use. At this time, the property does have a former residence that has been converted to a business, and does have a grandfather as a build-able lot. The property would lose this 'grandfather' if this line change does occur. Phyllis is aware of this and is willing to accept that consequence. Lawrence stated that even though the property would lose its grandfather as a residential building lot, the current building that was a residence could still have a living quarter in it according to city ordinance and any other commercial building erected would be able to have that

accomodation. Lawrence made the motion to approve the moving of the lines with the stipulations outlined above. Greg Hansen 2nd, all in favor.

Joan Durfey:

Mrs. Durfey has a lot at 300 North Main. She would like to move a log cabin in on the property. She has already been before the city council and they stated that she must apply for a zoning permit and then a building permit before any work is to be done if the building is to be placed on a foundation. She has changed her stance on the building since the city council meeting to state that she is not going to place the building on a foundation until after it is completed approximately two years from now. She has obtained a zoning permit from the city to request utilities now so that they can get the fees paid and the utilities installed now. She has also obtained a letter from the Sanpete County Building Department stating that they felt no building permit would be needed until the building is made permanent by placing it on a foundation. Keith stated that there was no reason for any permit to be issued right now with the exception of the zoning permit request for utilities. Clarence Sorensen was consulted on this matter and he stated that the permit would not be required until the building is placed on a foundation.

Judy Olthof property subdivision and voided zoning permit:

Judy purchased property on the South East side of town and got a zoning permit approved to build a home on the property. Since this zoning permit was approved, she has improperly subdivided the property and sold the lower plot. This resulted in the zoning permit being voided by the city and the resultant lots being un-build-able until a subdivision application is completed and approved by the city. The permit would have expired anyway because no construction had commenced within the 90 days after the permit was approved. She stated that she has discussed splitting the property with city representatives and no mention was made to her that there would be any subdivision application that needed to be made. She stated that a title company did the split for her and no problem was encountered. She stated that she would like to live here for the rest of her life and would like to get this problem out of the way as soon as possible so that she could bring her family here. She also stated that the city was aware that she had subdivided the property and she understood that there was a verbal agreement that the subdivision would be ok and that city officials had knowledge that she was going to split the property and understood that they had given consent. She has paid the fees for hookups for electric, water, and sewer, but the impact fees were not assessed because she had the permit approved before they were in place. If the permit cannot be reinstated, the fees will be assessed with the re-application for zoning permit. Mrs. Olthof was worried that the 7th East issue would come back to stop her. Clarence stated that the 7th east issue had been resolved with the city and the property owner. Mayor Barnes stated that the 7th East issue is resolved and has no bearing on this issue. Mrs. Olthof stated that she had never received official notification that her permit was voided. The city sent a certified letter to her stating that the permit was void, but Mrs. Olthof had moved to a different address since the letter was sent and the letter was returned. Lawrence Gardner made the

motion to reinstate the zoning permit she had approved and approve the subdivision of her property provided she pays the \$200 subdivision application fee. Noel Bertelsen 2nd, all in favor.

Permit fee for moving buildings:

Keith Chandler made the motion to set this fee at \$25. Greg Hansen 2nd, all in favor.

Board of Adjustments policy:

Mayor Barnes asked what policy the city uses for the Board of Adjustments. Lawrence stated that the city follows State policy and regulations for Board of Adjustments hearings.

Buffer Zone Strategic Plan Re-Evaluation:

Keith asked Mayor Barnes what exactly the city council needed from the planning and zoning commission to get this buffer zone request submitted to the county. There has been a lot of conjecture as to why the city council didn't approve this. There were many complaints about having a light industrial zone on the East side of town where there are no highways to accommodate truck traffic. Keith stated that there will be public hearings about the buffer zone. Because of poor communication between the city council and the planning and zoning commission the issue has become confused. Mayor Barnes stated that the city council will provide written communication to the planning and zoning commission regarding what needs to be done. There will also be a city council member appointed as liaison to the planning and zoning commission.

Lawrence Gardner stated that the planning and zoning commission placed the light industrial zone on the East side of town because the area was less desirable than the South or West side of town for residential construction but it would be more desirable for light industrial. Keith Chandler motioned that the light industrial zone be removed from the strategic plan for the East side of town to facilitate moving the strategic plan on to the county and then it could be revised at a later date with more thought. Further discussion: Dennis Watson asked if the city has received any notification from the county, verbal or otherwise, that they wanted to have any specific documentation on a buffer zone or strategic plan. Keith stated that he had spoken to the county zoning commission and they stated that they wanted a Spring City to create a strategic plan and then we could re-submit the application. Dennis Watson stated that he thought that his property would lose its value if the area was designated as a light industrial zone. There were no further comments or discussion. Noel Bertelsen 2nd, all in favor. The revised strategic plan will be resubmitted to the city council for their consideration.

Public Comments:

Robert Allred asked the questions that if a single person owned an entire city block if that person needed to go through the city subdivision application process. Keith stated that any subdivision must be applied for an approved before the planning and zoning commission. Jason Griffiths commented that subdivision is actually a state ordinance as

well and any subdivision of property must be applied for in any case. Surveys and engineering must also be taken into account.

Phyllis Snedecor asked whether there are limitations on buildings as far as height and size. Building regulations are found in the city code book.

Heath Cook stated that a conditional use permit might be a good alternative to re-zoning. Lawrence Gardner stated that even a conditional use permit must be approved with regard to the current zoning of the area by the planning and zoning commission.

Mayor Barnes stated that the Paul Bryner issue had already been approved by the city council and the planning and zoning commission need not have approved it. Any motion or resolution after the city council approval is null.

Lawrence Gardner motion to adjourn. Noel Bertelsen 2nd, all in favor.