



Community Development Department
111 North 100 East
Washington City, UT 84780
Phone (435) 656-6325
Fax (435) 656-6371
www.washingtoncity.org

Minutes
WASHINGTON CITY PLANNING COMMISSION
August 4, 2010

Present: Commissioner Schofield, Commissioner Burnette, Commissioner Kinder, Commissioner Smith, Commissioner Shepherd, Commissioner Staheli, Drew Ellerman, Councilmember Hudson, Kathy Spring, Jim Raines, Garret Bangerter.

Meeting called to order: 5:30 PM

Commissioner Schofield confirmed that Commissioner Burnette has been reappointed to service on the Planning Commission.

Invocation: Commissioner Staheli

Pledge of Allegiance: Commissioner Smith

1. APPROVAL OF AGENDA

A. Approval of Agenda for August 4, 2010.

There is an additional item number 7, discussion of a Planning Commissioner to be a representative on the Board of Adjustments.

Commissioner Burnette motioned to approve the agenda for August 4, 2010 with the addition of item 7.

Commissioner Kinder seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of minutes from July 7, 2010.

Commissioner Smith motioned to approve the minutes for July 7, 2010.

Commissioner Burnette seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. ZONE CHANGE

- A. Public Hearing and consideration to recommend approval to City Council for Z-10-04 to change present zone from PUD to C-2 located at approximately 700 East Telegraph both sides of Bella Vista along Telegraph. Applicant: Brenda Nisson

Background

Drew Ellerman stated the applicant is requesting approval to rezone approximately 6.20 acres located at approximately 700 East Telegraph (on both sides of the Bella Vista intersection). The rezone request is going from a PUD (Planned Unit Development) to a C-2 (Service Commercial) zoning designation. The surrounding zoning is PUD to the south, RA-2 to the west, C-2 to the east, and C-1 & R-1-15 to the north. The General Plan designation for this location is Community Commercial which allows for either C-1 or C-2 zoning.

The applicant is wishing to rezone this portion of the parcel for the purpose of selling it to a future developer. Having it rezoned now, will save time in the future for whoever purchases the parcel.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-10-04 to the City Council, base on the following findings:

Findings

1. That the requested zoning conforms to the land use and density designation of the General Plan.
2. That the requested zoning will be compatible with surrounding uses.

Commissioner Schofield asked for clarification of area that will be for residential use.

Drew Ellerman stated south of this proposal to the Bella Vista Subdivision.

Commissioner Burnette stated this would be an improvement.

Commissioner Smith asked about the distance.

Mr. Ellerman stated Jim Raines from Bush and Gudgell is present and could probably answer that question.

Commissioner Schofield asked if there is a specific business coming in.

Mr. Ellerman stated there is a bike business, Redrock, has shown interest but there isn't a specific business.

Jim Raines explained from the map is the description for the zone change.

Commissioner Schofield opened the public hearing.
No response.
Commissioner Schofield closed the public hearing.

**Commissioner Burnette motioned to recommend approval to City Council with the findings and conditions of staff.
Commissioner Kinder seconded the motion.
Motion passed unanimously.**

5. FINAL PLAT

- A. Final Plat for Sienna Heights Garden Homes located at approximately 650 North Red Stone Road. Applicant: Garrett Bangerter

Background

Drew Ellerman stated the applicant is requesting approval of the final plat for the Sienna Heights Garden Homes subdivision located approximately at 650 North Red Stone Road. The subdivision proposes 24 lots on an area covering 4.72 acres.

Staff has reviewed the requested proposal, and the proposed final plat conforms to the approved preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the final plat of the Sienna Heights Garden Homes subdivision to the City Council, based on the findings and subject to the conditions below:

Findings

1. That the final plat meets the intent of the General Plan.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance, as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable in the General Notes, the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and / or Home Owners Association".

Commissioner Burnette asked for clarification of why the hammerhead and gate was removed from what was considered prior to this plan.

Mr. Ellerman stated public works changed the design standards and the stacking at an intersection so this is no longer required.

Commissioner Smith motioned to recommended approval to City Council with the findings and conditions of staff.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

6. AMENDMENT OF ZONING ORDINANCE

- A. Public Hearing and consideration to recommend approval to City Council to Amend Zoning Ordinance Title 9 chapter 8B-2A, use regulations within single-family residential zones to allow the keeping of chickens. Applicant: Washington City, Drew Ellerman, Community Development Director

Background

Drew Ellerman stated the City Council gave staff the directive to amend the zoning regulations to allow for the raising of chickens in single-family residential zones in the city. This ordinance is reflecting that change within the city code to allow for the “keeping of chickens” with standards that must be met and maintained.

The City Council was approached by some citizens wishing to have the code amended to allow them to raise chickens on their single-family residential properties. Staff has also received request by citizens to see this change in the city code.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Ordinance amending Title 9-8B-2A to the City Council.

ORDINANCE NO. 2010-__

ORDINANCE AMENDING SECTION 2 OF CHAPTER 8B OF TITLE 9, THE WASHINGTON CITY ZONING REGULATIONS

WHEREAS, Title 9 of the Washington City Code, sets forth the provisions for the Zoning Regulations within the City; and

WHEREAS, the City desires to amend a certain section of Title 9, which more specifically is 9-8B-2A, for the purpose of providing for the public safety, health and general welfare of the citizens of Washington City; and

WHEREAS, the Planning Commission of Washington City, Utah recommended that the amended section of the Zoning Ordinance be adopted; and

WHEREAS, a public hearing was held by the Washington City Council after appropriate notice to consider the amendment;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WASHINGTON CITY AS FOLLOWS:

I. Section 9-8B-2A of the Washington City Zoning Ordinance is hereby amended to read as follows:

9-8B-2

USE REGULATIONS

A. Permitted Uses:

Accessory buildings and uses.

Home gardening.

Home occupations.

Household pets.

Keeping of chickens (hens only, no roosters) for the production of food for the sole use of the family occupying the premises, providing the following are met:

1. Chickens may only be kept on lots that are 10,000 square feet or larger.
2. No more than 12 (twelve) chickens may be kept on a qualifying lot.
3. Chickens shall be confined within a secure outdoor enclosed area, which area shall contain a covered, ventilated, and predator-resistant coop, pen, or cage, which shall be restricted to the rear or backyard of the dwelling, shall be located not less than twenty feet (20') from any neighboring residence, and shall not exceed eight feet (8') in height nor be larger than one hundred twenty (120) square feet in area.
4. All coops, pens, cages, and surrounding areas shall be maintained in such a way as to avoid the unreasonable accumulation of debris or waste or conditions that cause an unreasonable and prolonged odor that affects the health, safety and comfort of adjoining properties.

One single-family dwelling built in accordance with chapter 21 of this title.

Public park, playground or recreation facilities.

II. If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

III. This Ordinance supersedes or repeals the provision(s) of any ordinance(s) or resolution(s) that is (are) inconsistent with the provisions of this Ordinance.

IV. This Ordinance shall take effect immediately upon publication or posting, as required by law.

Drew Ellerman stated in the state of Utah this is a hot topic and that is why we are proposing this ordinance. Mr. Ellerman read the proposed ordinance.

Commissioner Burnette asked for clarification of the permitted use.

Mr. Ellerman clarified the portion of the ordinance pertaining to the permitted use. This has been to City Council a couple of times and Melinda Hill our representative from the city Attorneys office has also reviewed this.

Commissioner Schofield stated he likes the no roaster. He asked about the PUD zoning.

Mr. Ellerman stated the CC&R's could over ride this ordinance.

Commissioner Burnette asked if in PUD zoning there could be a statement that in a PUD or HOA could override this ordinance.

Mr. Ellerman stated we don't enforce HOA and this is for a R-1 zone and not for PUDs. With CC&Rs the majority of the citizens can petition to not allow for the chickens.

Commissioner Kinder stated that a HOA can dictate the color of homes so they could restrict allowing chickens.

Commissioner Shepherd asked if not in a R-1 they could have chickens.

Mr. Ellerman stated they have to be in a R-1 but on 10,000 sq ft lots to be able to do this.

Commissioner Shepherd clarified that if someone now gets a coup and gets the chicken then the neighbors don't want the chicken they go to the HOA then they would have to get rid of them.

Mr. Ellerman stated no they are going to be in a grandfather situation.

Commissioner Schofield stated that in a PUD and PCD zoning could not have chickens.

Mr. Ellerman stated that Silverstone Phase 4 is not in the PUD and they could have chickens.

Commissioner Shepherd stated they could not have chickens to sell the eggs that would be commercial use.

Mr. Ellerman stated no they cannot have chickens to sell the eggs. Most of the requests for this have been from the Fields area and want the eggs.

Commissioner Schofield stated that St George has an ordinance that allows chickens and rabbits.

Commissioner Burnette stated he would like a change with #4 get rid of and prolonged and add #5 after 3 or more complaints they must get rid of the chickens for 36 months.

Mr. Ellerman stated that there are some neighbors that would call three times a day or one every day, then you get into what is a valid complaint.

Commissioner Burnette stated then it should be 3 valid citations because chicken coups can get smelly and can have an offensive odor.

Attorney Melinda Hill stated the ordinance states that if they are not in compliance the chickens are gone.

Mr. Ellerman stated the code compliance office will go out and will give a warning then a citation will be issued.

Commissioner Schofield asked Attorney Hill if the ordinance already takes care of the concern.

Attorney Hill stated the ordinance does take care of the concern.

Commissioner Burnette stated there needs to be a certain amount of time that if they are in violation they will have to cease and desist and cannot have the use for a specific amount of time.

Mr. Ellerman stated that the residence would not be allowed to have the chickens for the amount of time specified.

Commissioner Burnette stated there needs to be a substantial amount of time but needs to be longer than 12 months. If it is a problem with the neighbors there needs to be a longer amount of time.

Commissioner Schofield stated there needs to be a correction to take out "and prolonged". He asked if there is something that changes and in the future if there is something that isn't just right can this be changed.

Mr. Ellerman stated they can amend the ordinances any time it is necessary.

Commissioner Schofield asked about the HOA and someone buys without this knowledge how can this problem be prevented?

Mr. Ellerman stated that in three weeks it would go to City Council. We can send a letter to the HOA's to inform the R-1 zones to inform them that this is coming and put an effective date on the letter.

Commissioner Burnette stated the letter should include a specific date January 2011 that this would take effect to give adequate time to adjust the CC&Rs if they choose to do so.

Mr. Ellerman stated that even in the fields there are some subdivisions that may not be favorable to this ordinance.

Commissioner Smith asked about the slaughtering of chickens, he stated he is not in favor of the slaughtering because it is a health issue in any zone.

Mr. Ellerman stated that in Utah there are people that butcher their deer's in the garage and there isn't an ordinance state or city that prevents this.

Commissioner Smith stated he is concerned with the slaughtering of the chickens.

Mr. Ellerman stated City Council would have to look at this.

Commissioner Smith asked what happens when chickens stop laying eggs. Is there an area requirement per chicken?

Mr. Ellerman stated this ordinance is 10,000 sq ft lots to have chickens.

Councilmember Hudson stated when the chickens stop laying eggs and then usually the chickens are slaughtered.

Commissioner Schofield opened the public hearing.

No response.

Commissioner Schofield closed the public hearing.

Commissioner Schofield stated he understands Commissioner Smith's concern but people do clean deer in their garages. He stated there probably isn't any more of a health problem than cleaning a deer but you aren't raising deer but you would be raising chickens.

Commissioner Burnette motioned to recommend approval to City Council with the recommendation of staff with the correction to remove on #4 the words "and prolonged" and add item #5 in which the occupant of the property that has received a cease and desist order to remove the chickens be precluded from having chickens for 36 months. And finally a notice be given to all HOAs with a specific date will take effect by January 1, 2011. Commissioner Shepherd seconded the motion. Motion passed unanimously.

7. BOARD OF ADJUSTMENT REPRESENTATIVE

- A. Consideration to appoint a member of the Planning Commission as representative on the Board of Adjustment. Drew Ellerman, Community Development Director

Drew Ellerman stated there needs to be a Planning Commissioner appointed by City Council to be a representative on the Board of Adjustments. The Commissioner will not receive compensation and there aren't many meetings. The commissioners will be compensated if it is required to go to a location to review something.

Mr. Ellerman stated the Board of Adjustment would hear appeals from the citizen that have been made by staff. The other item is variances where a request to allow something that doesn't meet ordinance or requirements and presents a hardship to the citizen. He stated he has been with the city for almost 4 years and only 4 cases have been brought in to him but only 2 have gone before the Board of Adjustments.

Mr. Ellerman stated he tries to talk people out of doing this to give them other options because it is difficult to show the hardship and there is one of our Attorneys present usually Mike Leavitt and he is a good aggressive Attorney.

Commissioner Schofield, Commission Kinder and Commissioner Smith stated they would like to be considered.

Meeting Adjourned: 6:26 PM

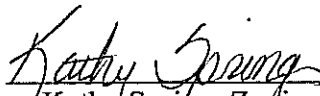
Washington City

Signed by:



Rick Schofield, Chairman

Attested to:


Kathy Spring, Zoning Technician