

ROY CITY PLANNING COMMISSION

September 25, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 25, 2012, at 6:10 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Lee Holt, Chairman
Blake Hamilton
Gennie Kirch
Tom Stonehocker

Jared Hall, Planner
Michelle Drago, Secretary

Excused: David Dickson and Rhett Zito

Others present were: Missy Warwood; Perry Vigil; Randy Brown; Elizabeth Brown; Steven Thomasson; and Glenda Thomasson.

Pledge of Allegiance: Gennie Kirch

1. APPROVAL OF SEPTEMBER 11, 2012, MINUTES

Commissioner Kirch moved to approve the minutes of September 11, 2012 as corrected. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR PROPERTY LOCATED AT APPROXIMATELY 3775 SOUTH 2700 WEST

Commissioner Kirch moved to open the public hearing at 6:11 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Jared Hall stated that Randy Brown had submitted a subdivision application for three lots located at approximately 3775 South 2700 West. The subdivision was an amendment of an existing subdivision. The Midland Square Subdivision located on the corner of 2700

West and Midland Drive. Two lots were located along Midland Drive; three were on 2700 West. The two lots on Midland Drive would not be impacted. Mr. Brown proposed to vacate the three lots on 2700 West and create one large lot in their place.

Mr. Hall said the City recently approved a conditional use permit and site plan for nine rental units on the three lots. One of the conditions of approval was that the lots be combined into one parcel. The City was often able to give a property owner a letter addressed to the Weber County Recorder authorizing the lot combination. Because lots were not being created, but being eliminated or reduced in number, State law allowed a lot combination without going through the subdivision process. Sometimes there were complications, and lots could not be combined. In this case, the location of some easements made it necessary to vacate the lots. In the amended subdivision plat, Lot No. 1 was comprised of the former three lots. All of the existing easements would be vacated, except for a 10-foot easement for Rocky Mountain Power which had been slightly altered. New easements would be located around the perimeter of the lot. The new lot made it possible for Randy Brown to build the nine rental units previously approved by the City.

Mr. Hall said the staff would prepare a vacation ordinance to present to the Council in conjunction with the amended subdivision. After the ordinance and subdivision were approved, the ordinance would be recorded first. It would wipe the slate clean. The amended subdivision would be recorded immediately afterward creating a new lot with all of the easements located where they needed to be. Approval of the amended plat did not entitle Mr. Brown to any more units. The number of lots was being reduced from three to one.

Mr. Hall said the staff had found that the proposed subdivision was in keeping with the goals and policies of the General Plan and the R-3 Zone. The proposed subdivision was necessary to allow the appropriate development of a previously approved project on this property. The staff recommended that the Planning Commission recommend approval of the preliminary subdivision plat subject to the following conditions:

1. Subject to corrections and comments attached in the engineer's memo, and subject to review and approval of any further corrections or other materials as might be required by the City Engineer; and
2. Subject to all items of the staff report and attachments and further review and approval by the members of the Development Review Committee as might be necessary.

Commissioner Kirch asked if preparation of the vacating ordinance needed to be included in the Planning Commission's recommendation. Mr. Hall didn't feel it needed

to be included in the recommendations as it wasn't something the Planning Commission needed to rule on.

Chairman Holt stated that the address for the subdivision listed on the agenda was different from the one in the staff report. Which address was correct? Mr. Hall said the subdivision was located at approximately 3775 South 2700 West. The staff report would be corrected.

Chairman Holt opened the floor for public comments. There were none.

Commission Stonehocker moved to close the public hearing at 6:18 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the Council grant preliminary approval of Midland Square Subdivision Amended based on the staff's findings and subject to the recommendations of the staff, including the address correction. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

3. CONSIDERATION OF A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES (CONTINUED FROM 7/25/12, 8/14/12, 8/28/12, AND 9/11/12)

Jared Hall presented the Planning Commission with a list of the major cities used in the staff's ordinance research and the smallest residential lot size upon which they allowed hens to be kept. The list was prepared at the Planning Commission's request after discussion regarding a benchmark for domestic animals in residential zones. Twelve of the seventeen cities either used their smallest lot size as a benchmark or simply did not reference minimum lot sizes for the allowance. In most cases, the lot size included bees as well. West Jordan was considering allowing bees on 10,000 to 12,000 square foot lots. Salt Lake allowed hives on any size lot. Bountiful did not allow them, except in agricultural zones. Midvale allowed bees on one-third or one-half acres lots. Kaysville only allowed bees in agricultural zones. Woods Cross allowed bees on one-quarter acre lots. A one-quarter acre lot was 10,000 square feet. Farmington and Clinton did not allow bees on residential lots. Clinton did allow chickens on 10,000 square foot lots. Mr. Hall said 60% to 70% of the lots in Roy City were 8,000 square feet or greater. Although there were a significant number of 6,000 and 7,000 square foot lots, the bulk of the residential lots in Roy City were zoned R-1-8. In the older part of the City there were some 6,000 and 7,000 square foot lots even though they were zoned R-1-8. The only section of the City with significantly larger lots was the southwest corner.

The Planning Commission reviewed the City's zoning map and discussed how the City might be impacted by different benchmarks.

Commissioner Kirch stated that she had spoken with a concerned resident who was satisfied to learn that the proposed ordinance would require a permit which could be revoked. Jared Hall stated that the ordinances allowing domestic livestock that seemed to succeed required a permit or some type of registration.

Jared Hall felt it would be naive to believe that some residents were not already keeping chickens and bees without permits.

Commissioner Kirch suggested that information about domestic livestock ordinance be included in the City's next newsletter. Mr. Hall said the information would be placed on the City's website as well.

Commissioner Hamilton stated that there were cities like Clinton, Murray, and West Valley that did not allow backyard chickens. He didn't feel comfortable allowing bees and chickens on 6,000 and 7,000 square foot lots. It would be easier to expand the

regulations to include those lots if the ordinance was successful. He recommended that the benchmark be set at 8,000 square feet. Lots with 8,000 to 9,999 would be given 10 points; lots with 10,000 to 14,999 would be given 20 points. He asked if the point system would apply to RE-20 lots as well. Mr. Hall said it would not. The numbers allowed on RE-20 lots were much greater than those proposed in residential zones. If there was a 20,000 square foot lot in a residential zone, it would be restricted to the numbers in the proposed ordinance. If a lot was zoned RE-20, it would be governed by the numbers allowed in the RE-20 Zone.

The Planning Commission asked Mr. Hall to make the changes to the point table based on the benchmark of 8,000 square feet and bring it back to the next Commission meeting.

Commissioner Kirch asked if the Board of Adjustment could grant a variance to the point system. Mr. Hall said it could not. The Board of Adjustment could not grant a variance for a use. It could only act on dimensions and setbacks. Commissioner Kirch asked if there was any vehicle that could be used to get more domestic livestock than was allowed by the proposed draft. Mr. Hall said the only option was to request that the ordinance be amended.

Commissioner Hamilton stated that the Planning Commission had looked at this issue long and hard. It tried to create something that would work for everyone. The proposed ordinance could be expanded in the future.

4. STAFF UPDATE

Jared Hall stated that the next agenda might have a conditional use and a pending subdivision as well as the proposed ordinance for domestic livestock.

Jared Hall updated the Commission about Ward Estates # 3 Amended.

5. ADJOURN

Commissioner Hamilton moved to adjourn at 6:54 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Lee Holt
Chairman

Attest:

Michelle Drago
Secretary

dc:psep2512