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FILLMORE CITY
PLANNING COMMISSION MEETING
July 22, 2014

Minutes of the meeting of the Fillmore City Planning Commission held July 22, 2014 in the Fillmore City Council Chambers, 75 West Center. Notice of the time and place of the meeting was posted on the Utah State Public Meetings Website, at the City Office, Fillmore Library, City Recorder's Office, faxed to The Chronicle-Progress, radio stations KNAK and KMTI, and emailed to each member of the Commission on the 16th day of July, 2014.

Those present for the meeting were:

Chair:	L. Bart Adams	Members:	Ryan Hansen
Council:	Eric R. Jenson		Tracy Whatcott
Staff:	Megan Davies		John Orullian
	Jamie Orullian		Chad Kunz
	Marlene Cummings		
		Excused:	Jesse Ralphs (Alternate)
Others:	Bill & Shauna Gill	Absent:	Tafta Watson
			Charles Carling
			Lars Rasmussen (Alternate)

Chairman Adams welcomed everyone and opened the meeting at 7:03 p.m. He welcomed John Orullian and Chad Kunz, who had moved from alternate members to regular voting members on July 1, 2014. He advised that meeting agendas and minutes will be sent by email from now on.

Minutes

Minutes of the Planning Commission meeting held June 24, 2014 were reviewed; since there were no corrections the minutes were accepted as written. Chairman Adams explained that a vote is not required if there are no corrections or additions.

City Council Report – Councilmember Eric Jenson

- The Fourth of July celebration was a success; the volunteer committees did a great job. He had received several compliments about the parade and fireworks. The city council is discussing the problems created with early parade parking and may adopt an ordinance to restrict when and where vehicles may park prior and during the parade.
- The water master plan will be completed within the next month.
- The splash pad is still being discussed.

Building Permits

14-19 Millard County Sheriff's Office - covered parking at 765 South Highway 99
14-20 Mark Huntsman - residential storage at 435 South 700 East Sandrock Road

45 William D. Gill – Zoning Setback

46 Mr. Gill had requested to be on the agenda to discuss zoning setback. He introduced
47 himself and his wife Shauna Gill. They live at 210 South Main. He would like to
48 build a 25 x 30 foot garage on the west side of his house that would be 14 feet from
49 the sidewalk. The home is located in the General Commercial Zone which does not
50 require a setback for commercial buildings. Mr. Gill asked if his property is exempt
51 from a setback requirement since it is in a commercial zone and he is licensed for a
52 home occupation.

53

54 It was noted that residential properties are governed by residential zoning standards
55 even when located in commercial zones. The residential setback is 25 feet.

56

57 Mr. Gill explained that a ten foot utility easement on the west side of his property
58 prevents aligning the new garage with the existing one. He is aware that setback
59 requirements are safety related; he said placement of his garage would actually
60 enhance safety since the garage would have a side entrance rather than a street
61 entrance. This arrangement would provide adequate access for emergency services
62 and utility workers. He asked the commission to grant a variance for the garage.

63

64 Megan Davies advised that certain conditions have to be met for a variance; there is a
65 Board of Adjustment chapter in the zoning ordinance that lists the criteria and
66 procedure for a variance.

67

68 The commissioners discussed the setback and asked Mr. Gill if he had considered
69 having a different design that could meet the setback standard. He said it would
70 entail additional engineering expenses and he would have to build a retaining wall.
71 He has waited to have the plans drafted until he knows what the city will require. He
72 would like to start building as soon as possible.

73

74 *(Secretary's note: Mr. Gill did not submit a Variance Request Form or pay the*
75 *required fee. His agenda request was to discuss "zoning setback". The Board of*
76 *Adjustment is the body that grants variances and there are 5 conditions that must all*
77 *be met before a variance may be approved. The commissioners had not been*
78 *adequately trained on variances and were unaware this request was beyond their*
79 *scope of authority. According to the Fillmore City Attorney, the following action is*
80 *null and void since the planning commission is not empowered to grant a variance.)*

81

82 **Motion by Commissioner Whatcott to approve a setback variance of 14 feet.**
83 **Second by Commissioner Orullian. Question on the motion by Commissioner**
84 **Hansen about delaying a decision until the matter could be thoroughly**
85 **researched. Chairman Adams called for a vote; motion carried with four votes**
86 **in favor and one against.**

87

88

89 Street Grade

90 The city council has requested that the Planning Commission start the process to
91 amend the zoning ordinance for street grades. The maximum current grade is 10%.
92 Chairman Adams read a memo from Mayor Larsen:

93

94 *A 10% road grade is too steep for the city snow plows to maintain. An 8% grade is*
95 *more realistic. The city council has discussed the problems a 10% grade creates for*
96 *both maintenance and fire protection and would like to amend the ordinance to a*
97 *maximum 8% grade.*

98

99 *Action to amend the zoning ordinance begins with the planning commission and*
100 *requires a public hearing. Please discuss this matter, and schedule a public hearing*
101 *if you choose to proceed with an amendment.*

102

103 The only 10% grade in the city is in the Highland Subdivision. Following a brief
104 discussion a public hearing for this matter was scheduled for the next planning
105 meeting on August 26, 2014.

106

107 Training - Robert's Rules of Order

108 Megan Davies reviewed the basic *Robert's Rules of Order* and highlighted some key
109 points. She asked if a theme park could be built in Fillmore with a roller costar ride
110 60 feet high. The commissioners discussed the question and searched the zoning
111 ordinance for the answer. The training evoked a series of questions and taught how to
112 find answers while learning to make proper motions.

113

114 Chairman Adams asked the city staff to do a brief training at each monthly meeting
115 to encourage familiarity with city zoning regulations.

116

117 Adjournment

118 **The meeting adjourned at 8:05 p.m. upon motion by Commissioner Hansen and**
119 **Second by Commissioner Kunz. Motion carried.**

120

121 The next regular planning meeting will be held August 26, 2014 at 7:00 p.m.