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FILLMORE CITY
PLANNING COMMISSION MEETING
April 28, 2015

Minutes of the meeting of the Fillmore City Planning Commission held April 28, 2015 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 April 24, 2015. Those present for the meeting were:

Chairman:	L. Bart Adams	Members:	Ryan Hansen
Council:	Eric R. Jenson		Tracy Whatcott
Staff:	Kevin Orton		Chad Kunz
	Marlene Cummings		Charles Carling
Attorney:	Greg Greathouse		Jesse Ralphs

Also present:	Mayor Eugene Larsen	Excused:	Tafta Watson
	Lars Rasmussen (alternate)		
	Misty Penney		
	Klint Penney		
	Star Murray		
	Ian Adams		
	James Johnson		
	Bill Goddard		
	Cyndee Probert		
	Lindsey & Jeff Mitchell		
	Lisa Teeples		
	Holly & Jesse Turner		
	Andrea Turner		

33 Chairman Adams opened the meeting at 7:01 p.m. and welcomed everyone.

34
35 **Motion to open the public hearing to receive public comment concerning a**
36 **proposed amendment to the Fillmore City Zoning Ordinance to change the**
37 **definition of a Child Care Center to be “The provision of child care for business**
38 **for sixteen or fewer children including the provider’s children who are twelve**
39 **years of age or under within a dwelling unit.”**

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41 **MOTION: Commissioner Kunz**
42 **SECOND: Commissioner Ralphs**
43 **VOTE: Unanimous, Motion Carried.**

44 Chairman Adams invited members of the public to have the floor for comments.

45

46 Bill Goddard

47 Mr. Goddard asked for clarification on what the commission plans on doing in this
48 meeting. He pointed out that the agenda item for the hearing included amending the
49 ordinance of the definition of a child care center, while later on the agenda called for
50 a discussion on the modification to allow additional employees in a home occupation
51 who do not reside at the dwelling of the business. One cannot have one without the
52 other because the State requires an additional employee when moved to more than 8
53 children.

54

55 Attorney Greg Greathouse explained that the public hearing agenda item was not
56 advertised correctly to allow for both an amendment to the child care center
57 definition and to the recommending changes within the child care facility ordinance
58 itself which would have removed the provision dealing with allowed number of
59 employees. Including only the item of changing the definition of a child care center
60 and not including the item that changes number five in all zone sections does not
61 exclude following the provisions under the home occupation standards. The goal in
62 including both items is to exclude the home occupation piece, which would require
63 an additional employee. Only the changing of the definition of a child care center is
64 allowed to be considered in this hearing because of how it was advertised.

65

66 Commissioner Rasmussen made a clarification in reference to the motion in the
67 previous planning meeting that stated “to recommend that the Zoning Ordinance for
68 home day care be changed to read “A day care center may not exceed 16 children, 12
69 years of age or younger, including the provider’s own children, at any given time”,
70 and to allow one additional employee. The employee must also meet the
71 requirements of the state law. Also to amend the definition of “Child Care Center” to
72 be consistent in all zones.” He mentioned that he was the only vote of “Nay” on that
73 motion and it was not because he is adverse to the idea of expanding and changing
74 the language; he just was not ready to move that far and feels that a number of twelve
75 children would be a more appropriate number. It is a compromise situation based on
76 the comments that he has received from members of the community. The advantage
77 of doing this would be that once they move beyond eight children, the State requires
78 that there is an additional employee in the home. If the number were set to twelve,
79 then the ratio between adult day care workers and children being cared for is
80 improved.

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82 **Motion to close the public hearing.**

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84 **MOTION: Commissioner Whatcott**

85 **SECOND: Commissioner Carling**

86 **VOTE: Unanimous, Motion Carried.**

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ADMINISTRATIVE BUSINESS

Approval of Minutes

The April 24, 2015 minutes will be approved in the next planning commission meeting.

City Council Report – Eric Jenson

- The city council will be holding a hearing on May 12, 2015 to discuss financing of the splash pad.
- The council is working with UDOT to resolve the storm drain issue in front of Duane’s.

BUSINESS

Vote on City Council recommendation for ordinance amendment to change the definition of a Child Care Center to be “The provision of child care for business for sixteen (16) or fewer children including the provider’s children who are twelve (12) years of age or under within a dwelling unit.”

MOTION: To table the change to the definition until the commission makes a change to the ordinance.

MOTION: Commissioner Whatcott

SECOND: Commissioner Carling

VOTE: Unanimous, Motion Carried.

The advertisement for the next hearing will need to read as follows:

1) **Chapter6-2 Definition of a Child Care Center.** The definition of a Child Care Center in Chapter 6 Section 2 of the Fillmore City Code shall read in its entirety as follows:

Child Care Center. The provision of child care for business for sixteen (16) or fewer children, including the provider’s children who are twelve (12) years of age or under, within a dwelling unit.

2) **Conditional Use Standards of Review for Child Care Facility/Center.** All sections of the Fillmore City Code related to Child Care/Facility Center conditional use standard of review numbered 5) shall be amended as follows:

5) Child care providers operating as a Child Care Center may not exceed sixteen (16) children at any given time, including the providers own children twelve (12) years of age or younger.

This change affects the following code sections:

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- 6-7-1.8 2. B. 5) Agricultural District
- 6-7-2.8 2. B. 5) Rural Residential District
- 6-7-3.8 2. B. 5) R2 Single and Multi Family Residential District
- 6-7-4.7 2. A. 5) Mobile Home District
- 6-7-5.8 2. E. 5) General Commercial District
- 6-7-7.8 2. B. 5) Light Industrial District, and
- 6-7-8.7 2. A. 5) Office Residential District

MOTION: To change the wording from “home occupation” to “Child Care Center” in section B (Child Care Facility/Center), numbers 5 and 6.

MOTION: Commissioner Hansen

SECOND: Commissioner Ralphs

VOTE: Unanimous, Motion Carried.

146

Name Change on Conditional Use Permit for Screamin Eagle Raceway

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MOTION: To accept the name change on the Andrews Motocross Park conditional use permit to Screamin Eagle Raceway.

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MOTION: Commissioner Whatcott

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SECOND: Commissioner Carling

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VOTE: Unanimous, Motion Carried.

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Commissioner Whatcott rescinded the previous motion and made a new motion.

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MOTION: To accept the name change on the Andrews Motocross Park conditional use permit to Screamin Eagle Raceway and if necessary new owner’s name.

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MOTION: Commissioner Whatcott

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SECOND: Commissioner Carling

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VOTE: Unanimous, Motion Carried.

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Discuss Modification to Allow Additional Employee(s) in a Home Occupation Who do not Reside at the Dwelling of the Business

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Commissioner Hansen wants residential areas to be residential and does not want businesses to be mixed in with homes. People who live in residential neighborhoods should be able to live there without businesses nearby. Some home occupations are fine as long as the residential zone keeps its residential feel. He would like to see the ordinance unchanged.

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Commissioner Ralphs agrees that it is not a good idea to allow businesses in the residential zones because allowing businesses to grow outside the commercial zone

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175 gives them an advantage over those businesses that operate in the commercial zone.
176 He is also in favor of not changing the ordinance.

177
178 *Commissioner Whatcott* would like to allow additional employees but does not know
179 how it would be regulated. Our community has young people who want to work
180 who can't.

181
182 *Commissioner Carling* is in the middle of the issue. Allowing additional employees
183 does not affect traffic or the residential feel, however, if you allow one then you need
184 to allow everyone. When that happens, then you may end up with too many
185 businesses that may adversely affect the desired feel of a residential area.

186
187 *Commissioner Kunz*- The current ordinance is limiting our younger people in being
188 able to have a part-time job. There is frequent conversation regarding encouraging
189 businesses to operate on Main Street, however there are limited facilities. Businesses
190 could be turned away by allowing home occupations to do a little bit more, thus
191 discouraging business growth potential in the commercial zone.

192
193 *Commissioner Adams* -According to Snow College research, fifty percent of main
194 street businesses start as a home occupation business. In looking at what other
195 municipalities around the state do, it is the exception rather than the rule to have an
196 additional employee in the home.

197
198 *Larz Rasmussen*- Allowing additional employees would need to be done in such a
199 way that it would not be intrusive to the residential area. The commission is split on
200 this issue because there is no way to write ordinances that say it should be a certain
201 way, and that it is not intrusive.

202
203 *Misty Penney* wants residential to be residential. One additional employee will not
204 add traffic but where is the line drawn?

205
206 **MOTION: To leave the ordinance unchanged as currently written**

207 **MOTION: Commissioner Ralphs**

208 **SECOND: Commissioner Hansen**

209 **VOTE: Commissioner Carling – Yea**

210 **Commissioner Kunz – Nay**

211 **Commissioner Whatcott – Nay**

212 **Commissioner Hansen – Yea**

213 **Chairman Adams – Yea**

214 **Commissioner Ralphs – Yea**

215 **Motion carried by majority 4-2.**

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219 **MOTION: To schedule a public hearing on the next planning meeting to include**
220 **the motions that were discussed regarding the child care center issue.**
221 **MOTION: Commissioner Hansen**
222 **SECOND: Commissioner Kunz**
223 **VOTE: Unanimous, Motion Carried.**

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226 The next meeting will be held May 26, 2015 at 7:00 p.m. in the council chambers.

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ADJOURNMENT

229

230 **The meeting adjourned at 8:32 p.m. upon motion by Commissioner Carling and**
231 **Second by Commissioner Ralphs. Unanimous, Motion Carried.**