

The regular meeting of the Farr West Planning Commission was held on Thursday, July 11, 2013 at 7:00 p.m. at the City Hall. Commission members present were John Stewart, Bill Malone, Phil Owen, Joe Markland, Bonnie Beal, Milt Austin and Ken Phippen. Matt Gwynn was excused. City Council members present were Mayor Lee Dickemore, Boyd Ferrin, Tim Shupe and Ava Painter. Staff present was Andrea Ortgiesen. Visitors present: see attached list.

Chairman John Stewart called the meeting to order. John Stewart led in the Pledge of Allegiance. Joe Markland offered a prayer.

Public Hearing as Advertised – Discuss and/or act upon the intent of the legislative body to consider the change to the Appeal Authority Ordinance

John Stewart stated in the past the City has counted on the Board of Adjustments to handle appeals. He stated 6 members were on the Board consisting of 1 Planning Commission Member and 5 citizens. He stated it is hard to keep people enthused to serve on the Board. John stated a lot of cities have gone to a Judge or Hearing Officer instead of a Board. He stated the current Board Members terms have expired and they felt this would be a good time to proceed with a change. Lou Best asked about the person that would be the hearing officer. John Stewart stated there will be a contract with an individual and that person would only charge the City when they have to hold a hearing. Lou Best asked what a “routine” case would cost. John Stewart stated it had been discussed that it would take 2-3 hours for a typical case. Jim Flint asked if the individual would be more of a Judge than a mediator. John stated that is correct. Ken Phippen stated as a citizen he likes this procedure because he feels if an individual is contracted with the City, they will have to keep up on the ordinances and will not have a vested interest. Bill Malone mentioned that under appeal procedure it is not defined if the days are business days or calendar days. John Stewart and Bill Malone agreed it should probably read business days across the board. Jimmy Ashment stated a Council Member told him that even with the appeal authority he would still not be likely to build the detached garage he wants. He stated he feels like his freedoms are being taken away with these ordinances. Boyd Ferrin stated the City Council cannot go beyond the way the City Ordinances are written and they can’t legally tell someone they can violate the laws that are in place.

#1 – Motion – Close Public Hearing and Proceed with Regular Meeting

**BILL MALONE MOTIONED TO CLOSE THE PUBLIC HEARING AND PROCEED WITH THE REGULAR MEETING. PHIL OWEN SECONDED THE MOTION, ALL VOTING AYE.**

#2 – Follow-up and Approval of Minutes dated June 13, 2013

**PHIL OWEN MOTIONED TO APPROVE THE MINUTES DATED JUNE 13, 2013. BILL MALONE SECONDED THE MOTION, ALL VOTING AYE.**

#3 – Report from City Council

Boyd Ferrin reported the City Council approved the Site Plan for WISCO. Boyd stated he appreciates the work the Planning Commission is doing on the 2700 North ordinance and other projects they have been assigned. He stated the Good Landlord Ordinance has been placed on hold for the time being.

#4 – Discussion/Action – Consideration of Conditional Use Permit for LDS Seminary Building near the new Wahlquist Jr. High School

Brian Bott was present seeking a condition use permit for the LDS Seminary Building to be built in conjunction with the new Wahlquist Junior High. Mr. Bott stated he believes it is on lot #26.

**PHIL OWEN MOTIONED TO SET A PUBLIC HEARING FOR AUGUST 8, 2013 TO CONSIDER THE REQUEST FOR A CONDITIONAL USE PERMIT FOR THE LDS SEMINARY BUILDING LOCATED NEAR THE NEW WAHLQUIST JR. HIGH SCHOOL. BILL MALONE SECONDED THE MOTION, ALL VOTING AYE.**

#5 – Motion – Consideration of a request for re-zone of a portion of the Kent Malan property located at 2214 North 2000 West, parcel number 19-040-0001, from the R-1-15 Zone to the C-2 Commercial Zone

Jim Flint was present on behalf of Kent Malan seeking a rezone of a portion of the property located at 2214 North 2000 West. Ken Phippen asked about re-zoning a portion of a property. John Stewart stated it is more of a lot line adjustment than a subdivision.

**JOE MARKLAND MOTIONED TO SET A PUBLIC HEARING FOR AUGUST 8, 2013 TO CONSIDER THE REQUEST FOR RE-ZONE OF A PORTION OF THE KENT MALAN PROPERTY LOCATED AT 2214 NORTH 2000 WEST, PARCEL NUMBER 19-040-0001, FROM THE R-1-15 ZONE TO THE C-2 COMMERCIAL ZONE. MILT AUSTIN SECONDED THE MOTION, ALL VOTING AYE.**

#6 – Motion – Recommendation of Approval of changes to the Appeal Authority Ordinance

**BILL MALONE MOTIONED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE CHANGES TO THE APPEAL AUTHORITY ORDINANCE WITH THE “BUSINESS DAY” CHANGE. PHIL OWEN SECONDED THE MOTION, ALL VOTING AYE.**

#7 – Discussion/Action – Planning Commission Ordinance

John Stewart stated some changes have been made in the Planning Commission Ordinance. He stated last year the City Council decided to go a different way in which they interview and appoint planning commission members. He stated the Planning Commission elected to go with a Chair and Vice chair and he pointed out the alternates don't have a defined term. Lou Best asked for the ordinance to be posted online. Ken Phippen stated he will take care of that.

**PHIL OWEN MOTIONED TO SET A PUBLIC HEARING FOR AUGUST 8, 2013 FOR THE PLANNING COMMISSION ORDINANCE. BONNIE BEAL SECONDED THE MOTION, ALL VOTING AYE.**

#8 – Discussion/Action – Moderate Income Housing Element

John Stewart stated about a month ago, he got a letter from the State inquiring if the City had a Moderate Income Housing Element. John stated the City does have one, however, it is outdated. He stated he and Bonnie worked to update it and the City is still in pretty good shape. He pointed out that the median income can now be changed from the city to the county which changes it quite a bit.

**BONNIE BEAL MOTIONED TO SET A PUBLIC HEARING FOR AUGUST 8, 2013 FOR THE MODERATE INCOME HOUSING ELEMENT. MILT AUSTIN SECONDED THE MOTION, ALL VOTING AYE.**

**JOE MARKLAND MOTIONED TO RE-ADDRESS THIS ITEM. PHIL OWEN SECONDED THE MOTION, ALL VOTING AYE.**

**JOE MARKLAND MOTIONED TO SET A PUBLIC HEARING FOR SEPTEMBER 12, 2013 FOR THE MODERATE INCOME HOUSING ELEMENT. BONNIE BEAL SECONDED THE MOTION, ALL VOTING AYE.**

#9 – Discussion/Action – Draft C-3 2700 North Regional Commercial zone

John Stewart stated he spoke with City Attorney Ryan Shaw about how the City is going to apply this ordinance. Mr. Shaw stated most of the property on the south side is zoned C-2 and the City cannot change that unless the property owner requests it. John stated this will mostly apply to the north side and will need to be master planned as such.

**BONNIE BEAL MOTIONED TO SET A PUBLIC HEARING FOR SEPTEMBER 12, 2013 FOR THE C-3 2700 NORTH REGIONAL COMMERCIAL ZONE. MILT AUSTIN SECONDED THE MOTION, ALL VOTING AYE.**

#10 – Discussion/Action – Revise Fee Schedule – Change Code 16.12.010 C from Board of Adjustment Action Fee of \$50.00 to Appeal Authority Fee of \$200.00

Phil Owen stated he checked a lot of other cities fees and there were several that were \$200.00 for the Appeal Authority.

**BONNIE BEAL MOTIONED TO RECOMMEND APPROVAL OF THE REVISION TO THE FEE SCHEDULE, CHANGING CODE 16.12.010 C FROM BOARD OF ADJUSTMENT ACTION FEE OF \$50.00 TO APPEAL AUTHORITY FEE OF \$200.00. BILL MALONE SECONDED THE MOTION, ALL VOTING AYE.**

#11 – Discussion/Action – Recommendation of Chairperson and Vice Chairperson

John Stewart opened nominations for Planning Commission Chairperson. Bonnie nominated John Stewart and Bill Malone seconded the nomination.

**JOE MARKLAND MOTIONED TO RECOMMEND JOHN STEWART TO THE CITY COUNCIL AS PLANNING COMMISSION CHAIRPERSON. PHIL OWEN SECONDED THE MOTION, ALL VOTING AYE.**

John Stewart opened nominations for Planning Commission Vice Chairperson.

**MILT AUSTIN MOTIONED TO RECOMMEND BILL MALONE TO THE CITY COUNCIL AS PLANNING COMMISSION VICE CHAIRPERSON. PHIL OWEN SECONDED THE MOTION, ALL VOTING AYE.**

#12 – Report on Assignments

Bill Malone reported he is still working on the fencing ordinance.

Bonnie Beal reported she is still working on the Planning Commission and Moderate Income Housing Ordinances.

Ken Phippen reported on the landscaping ordinance. He stated he has had some discussion and will continue with discussions on whether or not the City can place limitations on backyards. John Stewart asked Ken to see what he can find from other cities on backyards.

John Stewart asked the Planning Commission about possibly cancelling the work session scheduled for July 25<sup>th</sup> due to the Pioneer Day holiday. It was decided by general consensus not have a meeting. John asked the Planning Commission Members to email their ideas to him regarding the M-1 ordinance so they can discuss it at the August 8<sup>th</sup> meeting.

#13 – Adjournment

**AT 8:00 P.M., MILT AUSTIN MOTIONED TO ADJOURN THE MEETING. PHIL OWEN SECONDED THE MOTION, ALL VOTING AYE.**

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Andrea Ortgiesen, Clerk

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John Stewart, Chairman

Date Approved: \_\_\_\_\_