

MINUTES
PLANNING COMMISSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
April 28, 2020

PLANNING COMMISSION REGULAR MEETING (HELD VIA ZOOM CALL)

1. WELCOME

The Planning Commission Work Meeting was called to order by Chairman Curtis Tanner at 7:08 pm.

The Pledge of Allegiance was led by Brandon Green.

Opening Prayer was offered by Curtis Tanner.

2. ROLL CALL

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Brian Bare, Chris Martineau, Carrie Carrol, and Chairman Curtis Tanner are present. Commissioner Sam Brady was marked absent. Councilmember Brady joined the meeting at 7:12, and was marked present.

STAFF PRESENT: City Manager Brandon Green, City Planner Jeff Oyler, and City Council Member Diane Anderson were present.

VISITORS: N/A

3. CITY ORDINANCE REVIEW AND UPDATES

Brandon Green commented that the Commission needed to review City Ordinance 7a again and review the contents of the ordinance before it's submitted to the Council for approval.

Brandon Green solicited comments for weed height requirements listed in the Ordinance. The Commission was asked to review weed height requirements, and other items in 7a before the next meeting.

Chairman Tanner questioned 7a-04 regarding general fire pit regulations and asked about area defined. City Manager Green mentioned the intent of the regulations, and specifically areas prohibited for fires are east of Highway 89, and West of 89 with Exception of Nichols Park and Gailey Trail).

4. SUBDIVISION REVIEW

Jeff Oyler presented the Christensen Subdivision for final approval. Jeff mentioned there are still multiple items pending prior to issuing final approval but wanted feedback from the Commission before proceeding. The two major items required prior to providing final approval are regarding the private water line with Weber Basin, and the Rocky Mountain Power lines easement.

Chairman Tanner questioned the timing with the Weber Basin line. Planner Oyler mentioned the timing is fine, as the line will be completed prior to any homes being constructed.

Planner Oyler mentioned RMP has no issue with homes being built under the power lines as long as there is a 20' vertical separation, however, the actual clearance is unknown.

Manager Green estimated certain building types might be prohibited, such as two-story construction.

Chairman Tanner estimated that height restrictions could potentially be in place on title.

Planner Oyler mentioned he is requiring RMP to sign the plat map to confirm their acceptance.

Manager Green questioned if the Developer was required to install curb, gutter, and sidewalk, and Planner Oyler indicated that the Developer was required to install curb, gutter, and 6' sidewalks back of curb.

Commissioner Martineau indicated there are multiple items outstanding, and if the developer is attempting to sell lots, there likely will be issues with prospective property owners asking the city for some of the items the developer should have completed previously.

Commissioner Carrol agreed with Commissioner Martineau that more items need to be completed before issuing final approval.

Commissioner Brady indicated that dealing with Rocky Mountain Power adds complications, and the list should be further along.

Commissioner Carrol motioned to table the item. Commissioner Martineau seconded the motion. The motion passed unanimously.

5. OTHER BUSINESS

1. Review city ordinances regarding farm animals.

Manager Green prepared a memo and wanted to have a discussion regarding animals in specific zoning around the city, including R-S-12, and other zoning. The City Council asked for a discussion amongst the Planning Commission.

Councilmember Carrol voiced opposition to farm animals.

Planner Oyler provided some background. During the current pandemic, more public are trying to be more self-reliant, and there has been an increased demand for certain farm animals. The current city zoning is R-S-12 does allow for farm animals; however, many are non-confirming. There was some confusion regarding the amount of land vs zoning, with the debate being 20,000 SF vs R-S-12, which requires 12,000 SF.

Manager Green suggested clarifying ordinances instead of having both R-S-12 and 20,000 SF.

Commissioner Martineau also questioned the current ordinance between R-S-12 and 20,000 SF.

Manager Green said some residents have interpreted the rules differently, including some with 12,000 SF lots, and some with less than 12,000 SF that are non-conforming.

Commissioner Martineau suggested that zoning should be tied to farm animals, not square footage, however, it would be difficult to go back on homes that currently have animals.

Manager Green mentioned South of Nichols, and East of 89 is mostly 10,000/11,000 SF lots.

Councilmember Anderson asked if it is known how many residents have farm animals? She suggested a conditional use might help with the approval.

Commissioner Bare clarified 20,000 SF allows for 1 cow, 1 horse, 2 sheep, or 24 chickens.

Councilmember Anderson liked the idea of farm animals and has neighbors with chickens.

Planner Oyler asked what the appropriate acreage is for farm animals?

Commissioner Carrol suggested 2 acres is the minimum.

Commissioner Martineau stated that changing ordinances is difficult because some residents come to the city under the idea that farm animals are ok (or not ok), and then changing that ordinance midstream would not be appropriate.

Manager Green said any change would require a public hearing. He thought the city needed to have better restrictions in place, and more clearly defined rules and ordinances.

Planner Oyler suggested having a minimum amount of acreage for farm animals. There are also farm animals that are considered as pets.

Commissioner Brady suggested that a Zoom call was difficult to determine maps, and zoning, and might be better to discuss further at a later date.

Commissioner Martineau did not want to lower the square footage for animals or allow other zones to have farm animals.

Planner Oyler recommended having a minimum of 0.50 acres for farm animals.

Manager Green mentioned most of the animals are in the Agricultural zone, and it's not a major problem, but the problems he does see are from neighbors who have complained.

Planner Oyler and Councilmember Anderson agreed that animals as pets should be defined further as well, including non-traditional pets.

2. Discussion on city ordinance update. (7a, 8a, 9a, 10a).

Manager Green mentioned City Attorney is updating the city ordinances, and specifically 10a includes some information on residential treatment facilities, and addiction centers. The city has been able to limit beds and parking stalls, which has been able to limit the number of individuals being treated and maintain a residential feel for a neighborhood.

Chairman Tanner asked if the treatment center in question the facility on Terrace Drive was, and if the center was operating.

Planner Oyler indicated the facility was operating, but without permission. The city was recommended by the city attorney to not enforce attempting to close the facility, as the center is protected by the ADA, and is federally protected.

Councilmember Anderson asked if there were any complaints against the facility. She cautioned the city to not be afraid of recovering addicts, as Fruit Heights is a good place.

Manager Green brought up Title 9a, which was not needed for discussion, but said that will be coming up for review in the future. Title 8a has final revisions done and should be approved soon.

6. ADJOURNMENT:

Planning Commissioner Bare made a motion to adjourn the Planning Commission meeting and it was seconded by Commissioner Chris Martineau. The meeting was adjourned at 8:20 pm.

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights Planning Commission meeting held April 28, 2020.

Not approved until signed

R. Brandon Green

Brandon Green, City Recorder

Date approved by Planning Commission: May 26, 2020