



TOWN OF STOCKTON

18 North Johnson Street

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PLANNING COMMISSION MINUTES February 7, 2017 at 7:00 PM

Call to Order

1. Roll Call

Marlene Thomas-Chair-Present
Dave Rusk-Member-Present
Kaye Hollien-Member-Present
Lisa Rhoads-Member-Present
Steve Oblad-Member-Present

2. Approval of Regular Meeting Minutes-January 24, 2017

Motion to Approve Minutes-Kaye Hollien
Seconded-Dave Rusk
All in Favor
Motion Carried

3. Update on Building Permits-Alicia Unruh-solar panels was added.

4. Mark and Jenny Wright asked about animals on North Johnson Property. They want to have cows on their property. There will be a different amount of cows at times, when he brings a bull in. The commission acknowledged that they are grandfathered in for cows. They are grandfathered or have nonconforming use. It appears his family has had cows on this property for probably 25 years. He would like it on record that this Property, lots 6, 7 & 8 of Block 121, be grandfathered in for the raising of the family cows, even though they are aware it is in the "Residential Zone". This property does not meet the one acre area for a conditional use permit to have large farm animals in a residential area. He was advised that if the odor and flies become a nuisance and neighboring residents file a written complaint, because of the quantity of cows on this small parcel of land, then the grandfather clause may be superseded by the nuisance ordinance.

5. Ron Staley wanted a permit for pigs-He was told the permits are not available yet. He said, he will wait.

6. Discussion of comments and concerns received in public hearing on January 24, 2017; and possible decision on:

a. Wendall Winegar requested to Chair, Marlene Thomas that parcel 01-189-0-001 for 31.68 acres remain in the A-1 zone rather than rezoning it to an A-4 zone. Also, it was noted by Mayor Whitney that it appears logical to modify the zoning of the 40 acres owned by the Town of Stockton and adjacent to Winegar's property to A-1 rather than A-4.

b. Recommendation to Town Council to approve amendments to Town of Stockton Zoning Ordinance.

c. Robyn Robbins would like a "Conditional Use Permit" for two horses on her .61 acre of land. After viewing some additional facts and Thomas Karjola brought to Chair, Marlene Thomas' attention from the Land Use Code, I think we should consider issuing a conditional use permit to Robyn Robbins for two horses as requested in her packet.

7. Recommendation to Town Council to approve amendments to Town of Stockton Zoning Ordinance.

It was pointed out that the A-1 zone in the platted "Lots and Block" Area of Stockton was in error. It should be corrected to the "residential Zone". It is now in the residential zone in blue. (Blocks 55, 56, 57, 58, 59, 68, 69, 70, 71 & 72).

8. Discussion on phone calls or letters.

a. It was also brought to the attention of the Planning Commission that many residents in the Residential Zone" would like to be allowed to raise chickens and/or rabbits. (see the corrections for Definition of Household Pets and an additional condition with restrictions for chickens and/or rabbits in the Residential Zone.) Chickens and rabbits can equal 10 on the residential dwelling. The verbiage in Chapter 7, needs to be defined by Attorney, Mark Bell. Residential lots of 8,000 sq. ft. or 12,000 sq. ft. can have the same number of chickens and/or rabbits. Chicken coops should not be in the front yard. They need to be 10 feet from the property line. Coops and hutches should be located to the backside of the house. This needs to be defined by Attorney Bell too. The animals may wander in your own yard or on your own land. Roosters are prohibited because of the noise they make. They must not be a public nuisance.

Motion to approve chickens and/or rabbits-Lisa Rhoads

Seconded-Dave Rusk

All in Favor

Motion Carried

b. It was brought to the attention of the Planning Commission that some residents of Stockton would like to see the single family residential lot return to 8,000 sq. feet now that Stockton is on a public sewer system. After much review and discussion, it has been suggested that we continue to support the 12,000 sq. foot Residential Dwelling Code that has been an ordinance since January 9, 2006. It has drastically reduced the variances that were routinely requested for 8,000 sq. foot Residential Dwelling building permits. It is not a good thing to revert back, when we already have an ordinance in place since 2006. Attorney, Mark Bell said if you already have an 8,000 sq. foot lot and need a proposal for a conditional use permit, the owner must submit drawings of the house, garage and setbacks must be met. Conditional use for parking two cars must be shown. He will revise the ordinance to show what was discussed in this meeting. Non-conforming use of new structures must be in the same footprint as the old dwelling. If you expand, you must get a Conditional Use Permit and a Building Permit. Kendall Thomas asked if you buy an 8,000 sq. foot lot, can he build a home if he meets all setbacks and will be meeting all conditions like parking?

c. Mayor, Mark Whitney and Chair, Marlene Thomas met with Attorney, Mark Bell a couple of times on all these matters, and we need to move it forward. There will always be corrections and clarifications. It

was suggested we may want to hire someone trained from out of town to be a "hearing officer" rather than continue using a variance committee.

d. Attorney, Mark Bell will draft something a little easier to understand in the Nonconforming Use Chapter. In the R&C zone, Residential and Commercial are combined. R-2 and R-4 changed to R, but the Ordinance Book still has R-2 and R-4, so we need to fix it. On the site plan setbacks, didn't we combine all that? It was consolidated into all R-2 and R-4 multiple family housing as a conditional use. Same for A-2 and A-4, and they may not want Multiple Use Dwellings in their area. It needs the same language as Residential. It's still Conditional Use, and must meet setbacks, parking spaces, and drainage. If it meets all conditions than a Conditional Use Permit may be granted. Attorney Mark Bell will write up all these changes. He will have a draft within two weeks. Then there will be a Public Hearing on February 21, 2017 at 7pm to consider these changes and approve it, and it may then be moved to the Town Council Board. The Town will do another mailing to those that changed and are highlighted in yellow.

Motion to approve all of the sections-Kaye Hollien

Seconded-Lisa Rhoads

All in Favor

Motion Carried

9. Chair, Marlene Thomas gave the following statistics:

There are 16 houses that have nonconforming lots (built on one lot)

There are 7 single lots that are not built on

There are 96 homes that are built on 2 lot parcels

There are 9 vacant 2 lot parcels.

a. The definition of "Grandfathered" once an ordinance is adopted, we will look at nonconforming use. If you build before it was adopted in 2006 for the 8,000 sq. foot lots, you can continue to use. If you knocked down an existing home, you have to use the same footprint to remodel. If the lot sits vacant for over a year, you cannot use the grandfathered clause.

b. Animal rights can go to a new buyer. Our old ordinance reads, a vacated use for 2 years, but recommend it be changed to one year, which is standard for most of Utah. Use of property, not who is using property is the key.

Motion to change to one year-Dave Rusk

Seconded-Lisa Rhoads

All in Favor

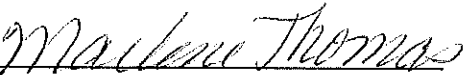
Motion Carried

c. Attorney, Mark Bell wants to go through the supplemental regulations and redline it. Red crossed out means removed and underlined means added.


d. Parking should be addressed to standardized sizes. Minimum 2 cars per residential use. This is 10'x20' for 1 car. Doug Kinsman stated that parking lot standard size for cars is 9'x18' and 9'x20 for trucks.

Motion to approve-Steve Oblad
Seconded-Kaye Hollien
All in Favor
Motion Carried

10. Motion to adjourn-Dave Rusk
Seconded-Lisa Rhoads
All in Favor
Motion Carried



Marlene Thomas, Chair
Planning Commission



Diana Marks
Acting, Town Clerk

Public Notice provided as follows: Posting Town Hall and at the Town Post Office; and publications at the Utah Public Notice Web Site and the Town of Stockton Web Site