



RICHMOND CITY PLANNING & ZONING COMMISSION

City Council Chambers
90 South 100 West
Richmond, Utah 84333

The Richmond City Planning & Zoning Commission met in a regularly scheduled meeting at 90 South 100 West Richmond, Utah at 7:00 P.M. on Tuesday, February 4, 2020.

Commission Members Present: Jay Bair, Cache Christensen, Jessica Dunyon, Vern Fielding, Jerry Kidd

Commission Members Absent: Amber Ervin

Staff Present: Jeremy Kimpton, Justin Lewis, Darek Kimball, Terrie Wierenga (City Council), Cheryl Peck (City Council), Lyle Bair (City Council), Mayor Jeff Young

Others Present: Debbie Zilles

Chairman Jerry Kidd called the meeting to order at 7:00 P.M.

Land Use Training – Seth Tait

Land Use can be a difficult area of law. The primary purpose of cities and towns is to provide services to residents such as water, sewer, garbage, streets, police, fire, etc., however, another big reason is to preserve of sense of community and character.

In 2006 the state legislature passed a law referred to as LUDMA – Land Use Development & Management Act, which is the statute that governs all land use law. LUDMA sets the boundaries of what can and cannot be done with regards to private property.

State law (Title 10) establishes that every municipality must create a Planning Commission (10-9a-301). Richmond City Code Chapter 12 Part 401 establishes the Commission. The Planning Commission is an advisory committee to the City Council. For some types of land use applications, the Commission is the authoritative body that reviews the requests against the established City Code and then sends recommendations to the Council as appropriate.

Mayor Young asked about annexation. Seth explained that one of the rules is that the parcel must be contiguous to the existing City boundary. One of the reasons this is a state law requirement is the assumption that utilities, in most cases, reach the limits of the City boundaries. An Annexation Policy Plan considers territory outside City limits. The zone is established at the time of annexation and the property owner can apply for a rezone in conjunction with the annexation request.

Seth clarified for Mayor Young that the only requirement in state law for a Planning Commission is related to the General Plan and zoning ordinances, other than that, each municipality can determine what the Planning Commission shall be the land use authority over through legislation in the City Code.

Unique to Richmond City, Chapter 12 Part 514 allows the Planning Commission to grant a nonconforming structure the ability to expand and/or renovate and still maintain the legally existing nonconforming status.

Utah state law distinguishes the difference between administrative and legislative decisions. Legislative decisions are when a land use authority is making new law or policy (e.g. annexation). Administrative decisions are when a land use authority is applying existing law to an application; the decision must be based on existing Codes and ordinances (e.g. subdivision, conditional use).

A common mistake is the inclination to impose requirements that are not required in the Code. He cautioned the Commission against this and suggested that they always ensure that the Code requirements are met.

Land use decisions can be appealed within 30 days from the decision date. The appeal goes to the established appeal authority. Variances also go to the appeal authority.

Utah state law defines exactions. When a person or entity decides to develop a piece of land, the local jurisdiction in which the property is located may impose certain requirements on the developer. Often, the jurisdiction will require an exaction. This means a local body conditions that a developer give up land or pay some type of fee, such as an impact fee, water or sewage connection fee, or fee-in-lieu of dedication, to obtain a building permit. Local government must be careful, however, that imposition of an exaction does not amount to a taking. An exaction is a required contribution to a governmental entity imposed as a condition of approval for a proposed land development. Exactions generally take the form of (1) dedication of land to the public; (2) construction of public improvements; (3) money paid in lieu of property dedication or construction; (4) connection fees, or (5) impact fees.

State law requires findings of facts, which means to provide a factual, legal basis for either approving or denying a decision, this should be captured in the minutes and contained in a written permit.

Applications that are considered complete should be processed and determined within a reasonable time; however, an item can be continued if the Commission needs more time to consider the information.

Approval of the December 3, 2019 meeting minutes.

Minutes from the December 3, 2019 meeting were reviewed. Jay moved that the minutes be approved as submitted. Vern seconded the motion. The motion was unanimously approved.

Yes Vote: Bair, Christensen, Dunion, Fielding

No Vote: None

Absent: Ervin

Discussion and possible vote on the Conditional Use Permit request by Jeff Young for a kennel license at 68 South 100 East. Parcel Numbers 09-055-0012; 09-055-0015

Mayor Young is moving in with his in-law's temporarily and there will be three outdoor dogs and one indoor dog, necessitating the need for a kennel license. He provided signatures from the neighbors and there have been no objections.

***** A motion was made by Vern to approve a Conditional Use Permit request by Jeff Young for a kennel license at 68 South 100 East. Parcel Numbers 09-055-0012 and 09-055-0015. Jess seconded the motion. Motion passed 4-0. *****

Yes Vote: Bair, Christensen, Dunyon, Fielding
No Vote: None
Absent: Ervin

Discussion and possible vote on Ordinance 2020-02, an ordinance amending Chapter 12-700 "Signs", Part 12-702 "Types of Signs".

Jay asked if there is a way to measure the brightness. Cache said there is a tool that measures foot candles that is about \$100.00. Terrie mentioned that she has seen them as low as \$40.00.

***** A motion was made by Cache to recommend approval to the City Council for Ordinance 2020-02, an ordinance amending Chapter 12-700 "Signs", Part 12-702 "Type of Signs". Jess seconded the motion. Motion passed 4-0. *****

Yes Vote: Bair, Christensen, Dunyon, Fielding
No Vote: None
Absent: Ervin

***** Motion to adjourn at 8:35 p.m. *****

Minutes submitted by: Debbie Zilles

Jerry Kidd, Chairman