



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, September 1, 2020.

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

Staff Present: Jeremy Kimpton (City Administrator), Justin Lewis (City Recorder), Terrie Wierenga (City Council)

Others Present: Quinton Casperson, Robert Smith, Debbie Zilles

Chairman Jerry Kidd called the meeting to order at 7:00 p.m.

Approval of the August 4, 2020 meeting minutes.

Minutes from the August 4, 2020 meeting were reviewed. Amber moved that the minutes be approved as submitted. Vern seconded the motion. The motion was unanimously approved.

Yes Vote: Bair, Christensen, Dunyon, Ervin, Fielding

No Vote:

Discussion and possible vote on the request by QC2, LLC, to allow storage containers to encroach in the 100-foot setback requirement. The parcel is located at approximately 65 South 500 West.

Quinn Casperson explained that this is the oldest factory still standing in Utah, he provided a history of the building and property. The proposal is to place three 8'-wide painted, steel cargo containers inside the north fence line (near the smokestack). The containers will be used for storage and may also help with security. There have been ongoing problems with vandalism on the property. He has been removing green waste and this will also help clean up the property. The containers have been purchased and he would like to move them in the next few weeks. The south end of the property is currently being leased with an option to buy.

Jerry said the proposal would have the containers encroaching into the front setback, which is normally not allowed. Jeremy confirmed that this zone requires a 100' setback.

Cache asked if it would change anything because the cargo containers will not be permanent structures. Terrie said the containers would have to be approved by the Fire Chief with regards to what will be stored inside and to ensure that they will not block fire/rescue access.

Amber asked if there are regulations about what can be stored. Terrie said this would be determined and approved by the County Building Inspector and the Fire Chief.

Vern pointed out that this discussion is only about allowing the cargo containers on the north end of this property. He questioned how the 100' setback is defined. Terrie said, because the road is coming in from Hwy 142, conceivably the north would be considered the frontage. To her mind this is a nonconforming lot that has been grandfathered in. The Commission has authority to review and possibly allow something to infringe into the setback. She noted that if these containers will be used for storage, a business license will be required.

Jess asked if there were anywhere else on the property that the containers could be placed; Quinn said the south end is being leased and due to the smokestack and building, there are no other areas where these would fit. Because they are expensive to move, he would like to find a place where they can be permanently placed on the property.

Jess said although she is sympathetic to the situation, she is remiss to approve "one off" items that can set a precedent for future requests/accommodations. If this is allowed, then personally and ethically it would have to be done for everyone.

Quinn questioned what could be done within the 100' setback, would it just be left to grow weeds, he does not think this same situation, with frontage that far off the road, will happen often. Justin said the City hears this type of comment all the time and situations are often more common than people realize. Quinn does not understand how this will hurt anything because it will still allow for approximately 50' of setback with 100' being used for a good purpose.

Amber said if there is 100' from the road to the property line, and the Fire Department approves it, she can see both sides of the debate. She questioned whether the Union Pacific Railroad could be counted as frontage. Terrie said, based on her interpretation of Land Use law in Utah, that would not be a valid argument. The boundary lines of a lot would need to be used. She reminded the Commission that Municipal Code Chapter 12-910-5 states that the front setback shall be "100' or as otherwise determined by the Planning Commission". The Code allows the Commission to reduce the setback, with justifiable findings, in the Manufacturing/Light Industrial and Commercial zone(s). Amber said if the setback is reduced, there might be room for at least two of the containers.

Vern asked what is being determined as the front of the property. Jeremy said the north is considered the frontage because it is defined by the road. The north line runs parallel to the road. Amber said the west or east sides would have the same problem.

Amber said reducing the setback to 50' would provide more room. Quinn said the containers could be placed closer together, he would like room for parking between them.

Quinn confirmed for Vern that the proposal is to place the containers east-west on the north property line.

Justin said if the 8' wide containers were placed at 50', 75' and 100' it would allow for parking in between.

Amber said she would be amenable to reduce the setback 50' contingent upon Fire Department approval.

Vern would be in favor of any proposal that would help clean up and maintain the property. He asked about the long-term plan for the building and property. Quinn said it is unknown at this time. He is looking into more security options for area because there are ongoing problems with individuals breaking into the building.

***** A motion was made by Amber to reduce the 100' setback to 50'. The containers being placed on the site would be contingent on Fire Department approval.**

Terrie suggested amending the motion to include the reason for allowing the 50' setback because there is another lot between this one and the road.

***** The motion was withdrawn.**

Cache asked if the containers will be temporary. Quinn said they will be until he finds another means of revenue to help pay the taxes. He would like to see if the building could be turned into a museum in the future.

***** A motion was made by Jess to approve reducing the setback to 50' due to a lot in between the road and the property line. Fire Department and Business License approval is required prior to placing the three (3) containers on site. The parcel is located at approximately 65 South 500 West. Vern seconded the motion. The motion passed 5-0. *****

Yes Vote: Bair, Christensen, Donyon, Ervin, Fielding

No Vote:

Discussion and possible vote on the Conditional Use Permit request by Robert Smith for a kennel license at 284 Chokeycherry Circle. Parcel Number 09-105-0073.

Robert Smith has three Siberian Huskies that he would like to keep. Two of his dogs are licensed and in order for the third (rescued) one to be licensed a kennel permit is required.

Jerry pointed out that the .33-acre lot size equates to 14,375 SF and a minimum of 15,000 SF is required for three dogs (Municipal Code 13-261.B *Within the corporate limits of Richmond City, a minimum of fifteen thousand (15,000) square feet of ground, including buildings, shall be required for the establishment of a kennel of three dogs*). Justin said this lot, according to the County record is 14,818 SF.

Robert said he is confused with the calculations. Terrie said according the County plat measurement, he is just under 200 SF shy of the requirement. If he can show, through surveying the lot, that he has at least 15,000 SF, then a permit could be approved.

Jerry said the required square footage should be included on the application to avoid any future confusion.

Terrie explained that it was recently reduced from the previous 20,000 SF requirement.

Jess is less worried about square footage and more concerned with the next-door neighbor who is not in support of the request. Robert explained that all the surrounding neighbors have dogs. His dogs, and the neighbor's dogs, like to jump up on the fence. The neighbor in

question said they would originally sign the request but have since changed their mind. He has been told that he has had a couple complaints about barking but has never had Animal Control contact him.

Amber is concerned about making an allowance for a permit if it is less than the required square footage. This may set a precedent moving forward and where would the line be drawn if this is allowed. Terrie agreed and said that is why it was reduced by 500 SF.

Amber wondered if this will be an ongoing problem with average lot sizes.

Jess said the size of the dogs makes a difference.

Cache said most of the lots in the neighborhood would not qualify for a kennel permit. If an exception for this is granted, there could be other neighbors questioning why and/or wanting a permit themselves.

Jerry said based on the square footage requirement, this request for a permit is not allowed. Amber agreed and said an exception for a specific situation cannot be done based on the requirements in place.

Robert is frustrated that he was told this should be fine and was not notified about the square footage requirement when he came in to get the application.

No action taken because the permit was not approved.

Discussion and possible vote on Ordinance 2020-15, an ordinance adding, in its entirety, Chapter 12-800 “Zoning Establishment”, Part 12-805 “Supplementary and Qualifying Regulations”, Section 12-805-19 “Retaining Walls”.

Terrie said this came about based on a misinterpretation of the current ordinance. Discussions with the City Attorney determined that since a retaining wall is tied to the ground, it should be considered a structure and subject to the same requirements as a building permit. After reviewing other City’s regulations, staff decided that a specific ordinance addressing retaining walls be developed. Any walls greater than 6’ will be required to obtain a building permit and shall be designed by a licensed engineer. Building permit exemptions are outlined in 12-805-19.B.1.

Jeremy pointed out that is more a clarifying ordinance than a regulatory ordinance.

Terrie noted that the Traveller Lane subdivision that is coming in will have retaining walls, so the goal is to be proactive rather than reactive.

Jay asked about landscape rocks that may be 4’ high and whether they will need to be engineered. Over time those might change due to eroding soils. Terrie said this is why the reference “*shall be designed in accordance with Sections 1807.2 through 1807.2.3 of International Building Code*” was included.

Jay confirmed for Cache that tiered walls are addressed in 12-805-19.B.1(b)(c).

***** A motion was made by Jess to recommend approval to the City Council for Ordinance 2020-15, an ordinance adding, in its entirety, Chapter 12-800 “Zoning Establishment”, Part 12-805 “Supplementary and Qualifying Regulations”, Section 12-805-19 “Retaining Walls”. Cache seconded the motion. The motion passed 5-0. *****

Yes Vote: Bair, Christensen, Dunyon, Ervin, Fielding

No Vote:

A motion was made by Amber to adjourn at 8:20 p.m. Jay seconded the motion. The motion passed unanimously.

Minutes submitted by Debbie Zilles

Jerry Kidd, Chairman