

City of Ashton Minutes Planning and Zoning Commission

**Thursday, April 20, 2023
7:00 p.m.**

In Attendance: Rosie Owens, John Finley, Dallas Hill, and Danya Liebert. Trenna Howell joined the meeting at 7:48 pm.

Also, in attendance: Deputy Clerk Warnke and Administrator Bowersox joined by phone.

Chairman Hill welcomed everyone and opened the meeting at 7:05 pm

1. Approve Minutes from March 16, 2023: ACTION ITEM

Commissioner Owens made a motion to approve the minutes as submitted. Commissioner Finley seconded the motion. The motion passed unanimously.

Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the P & Z Commission

2. Administrator's Report – Sara Bowersox

Administrator Bowersox has received a building permit application for an addition at Jackson's Convenience Store. The City Council held the Public Hearing on the Community Core Zone Comprehensive Plan and City Code changes on April 12, 2023. The City Council voted to approve those recommended changes. The decision was published in the newspaper on April 21, 2023, so now the changes are in place. She also received a plat amendment from North Fork Village. The Code states that Plat Amendments are an administrative activity, but the City Council must approve them. The City Council approved the Plat Amendment on April 21, 2023.

3. Next Steps for Changes to Impact Area Zone – Sara Bowersox ACTION ITEM

Reminded the commission that last meeting they had discussed wanting to change the Impact Area Zone east of the city limits on highway 47. The property immediately abutting the highway could be highway commercial instead of its current zoning of Low Density Residential. She has spoken with the Fremont County Planning & Zoning Administrator, Tom Cluff. He informed her that the first step would be to send him a letter stating that is what the city wished to do. Then the City P & Z would be added to the Fremont County P & Z agenda to discuss the proposed changes with them. Administrator Bowersox gave the commission a draft letter that she has written for Mr. Cluff. Mr. Cluff has asked her to wait until the latter half of May to send a letter to him because of some issues they are working on in the county. She will send the letter to him in the last part of May and then the commission can begin those discussions with the county.

Chairman Hill asked if the commission needed to approve the letter. The Administrator told them that was up to the commission. Hill then asked if the city was required to hold any public meetings concerning this. The Administrator believes the public meetings will be held at the county level because the county has jurisdiction outside of the city limits. The commission liked the letter and asked Administrator Bowersox to keep them updated.

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4. Potential Setback Exception for Disability Access: ACTION ITEM

Chairman Hill asked Administrator Bowersox where they were at with this update. The administrator has spoken with the City Attorney, and he is comfortable with the draft verbiage she has sent him. The city does not have to incorporate all the words from the Fair Housing Act. The verbiage that is in the draft will cover that. Each year the mayor declares April as Fair Housing month. Chairman Hill asked the commission if they would like to have any discussion. Commissioner Finley asked how far they are allowed to extend a ramp out into the setback. Chairman Hill has interpreted it as the ramp may encroach into the setback but may not encroach into the right of way. Administrator Bowersox suggested that they add that they also may not encroach onto other people's property. Chairman Hill shared some of his ideas. Some were that they needed to get a Class I permit detailing the reasonable modification to the property and that the property owner and tenant indemnifies the city. Commissioner Liebert asked who the applicant could be. The administrator said that she would investigate it when she got home. Chairman Hill stated that he had received some training on the Fair Housing Act. He has learned that there are resources available for training. Commissioner Owens told the commission that she would like to nail down what they want the code to say so that they can move forward with a public hearing. Commissioner Finley would like to limit the encroachment area. Commissioner Owens Likes the term minimally intrusive. Commissioner Liebert also believes there needs to be some kind of limit. The commission decided that they would like to limit the front, rear and side encroachment to no more than two thirds of the setback and then minimum intrusion necessary to construct a functional disability ramp. The commission discussed emergency situations and wording that could cover them. The administrator told the commission that she would have to research the idea, but she couldn't think of any reason that the city couldn't check the measurements in a reasonable amount of time. She also stated that she is not sure that someone that needs a ramp is going to be coming home so urgently that the city wouldn't have time to measure the setback. If someone builds something without a permit, then they have thirty days to correct the violation before they are fined. The commission hopes that they will be able to have everything finalized in the next meeting.

5. Commissioner Term Random Selection ACTION ITEM

The commission has a copy of the code that states that newly appointed commission will do a random selection of the first term limit, so they won't all term out at the same time. The terms are set by a lottery of one, two or three years to provide for the annual appointment of at least one member each year. No member shall serve more than two full consecutive terms. Deputy Clerk Warnke has prepared the lottery drawing. There will be one paper with a one-year term, two papers with 2-year terms and two papers with 3-year terms. Commission members picked the numbered papers from a container. Commissioner Owens drew a two-year term, Commissioner Liebert drew a one-year term, Commissioner Howell drew a three-year term, Commissioner Finley drew a three-year term and Commissioner Hill drew a two-year term. The commission started in November of 2022 so each of their terms will start from that month.

Commissioner Owens made a motion to accept the results of the lottery drawing. Commissioner Liebert seconded the motion. Motion passed unanimously.

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6. Schedule next Meeting

The commission decided that the third Thursday of each month would work well for their meetings. They would like to keep that schedule, so they don't have to schedule every month.

Commissioner Owens made a motion to have the set the 3rd Thursday of each month as the regularly scheduled Planning & Zoning meetings. Commissioner Liebert seconded the motion. Motion passed unanimously.