

Minutes

Ashton Planning and Zoning Commission

January 18, 2017

7:00 pm

Attendees: Commission Members: Administrator Tom Cluff, Robert Reimann, James Reynolds, Matt Brady, Mike Hogle, City Attorney Sam Angell and Deputy Clerk Jan Warnke. Also attending were Sheryl Hill, Michele OMalley, Sharlene Bergeson and Shon Shuldberg

Chairman Hogle opened the meeting and asked the interim administrator Tom Cluff to introduce himself. Tom told the commission that he was the Fremont County Planning and Building administrator and that the county would be helping the city out until a new administrator was hired. Tom has been with the county for four years and had been in Utah for ten to twelve years. He asked the commission members how long they had served on the commission. Mike Hogle and Norman Watkins have been on the board since May of 2015, James Reynolds since January of 2016, Robert Reimann and Matt Brady since March of 2016.

Procedure Discussion:

Administrator Cluff explained to the commission that he would like to go through some of the basics of what the procedures are and talk about some of them. He will talk about how things work and how they would work together as a group. When someone submits an application the administrator makes sure that the application is complete. If it is a Class I application then that application is approved by the administrator. If it is a Class II application then the commission will have to approve it. There will first be a sketch plan meeting. The applicant will come in and tell the commission what they would like to do. The commission will have an opportunity to ask questions of the applicant or answer questions from the applicant. Then the applicant will submit a complete final application based on what they learned from the commission. The next step would be to schedule a public hearing. During a public hearing the commission will review evidence including testimony from the public and then make a decision. When a commission makes a decision they need to be able to point to a reason that they make the decision. The rules and code that the commission operates under, both from the state and city, gives them the authority to make determinations but they also require that those decisions are reasonable. The commission has to be able to show how and why they made that decision. After a decision has been made the administrator takes the decision and writes up a report that's called findings of fact and conclusions of law. That will be the record of that decision in addition to the application. That is an important document because if the decision is appealed the document is what people are going to rely on to explain what the commission was thinking about when they made that decision. Commissioner Reynolds asked if the commission made legal decisions or recommendations. Administrator Cluff replied by saying that sometimes the commission will make decisions and other times it will be a recommendation. On a Class II application the commission can make a decision such as, you can build your shop in that location the way you described it. Other times it will be a recommendation to the City Council. If someone wants to change the zoning of

a property then that would be a recommendation that the commission would send to the City Council. Another example of a recommendation is if there is something in the code that the commission sees that is outdated or not working then that would be a recommendation to the City Council. The commission would have a public hearing on the changes to the code that they would like then send it to the City Council as a recommendation for change. The administrator will help the commission know which one they are working on. Another item that might come up is a variance. A variance is designed for someone to enjoy the same rights as other people in that zone but their property is physically different. An example is if there is a ravine on a property that makes it so they cannot build to meet setbacks. Then that person could ask for a variance to allow them to build on their property in order to fit their property. Because the property is physically different than the other properties the variance is allowed so that someone can enjoy the same right that everyone else in his zone has. When the commission makes a decision or a recommendation, all of the information that the commission bases its decision on and discussion about that matter has to be made in the meetings. If a commission member is approached with concerns about an application or with information about an application that the commission will be making a decision on or discussing the member needs to ask that person to go to an appropriate meeting and not talk to a member outside of a meeting. If someone comes with specific concerns or recommendations to the code a commissioner can talk to them about it but if you are considering that rule then the member should ask them to come to a meeting to discuss it. City attorney Angell posted a hypothetical situation: There is a permit pending for a larger hotel in town. If someone approaches you about it tell them that you cannot speak to them about it outside of a public meeting and this is when the next meeting is. Administrator Cluff added that this is sometimes frustrating to the public because not every meeting is a meeting that they can talk to you about it. If a developer comes with a sketch plan the public is not invited to speak. That is a discussion between the commission and the developer. There will be a hearing at some point in the process where the public can participate. The public needs to participate at that time but not outside of a meeting. The State statute requires that if the commission makes a recommendation for a rezone change then that change has to be consistent with the City's comprehensive plan. Secretary Warnke stated that she and the administrator would give the commission the materials and code reference so that they would be able to make an informed decision. The administrator told them that he would give them advice about what the code does or doesn't say, an analysis of the application, here is what the code says, here is where they match up and don't match up. The roll of the administrator is not to run the city or direct the commission in their review but to provide information. Sometimes the administrator can advise the commission on what they should do. Other times the administrator will ask the commission to tell him/her what the city wants to do. Administrator Cluff asked the commission if they had any questions. Chairman Hogle felt inadequate as chairman and would like more guidance. Administrator Cluff will look for some training and have it for the next month's meeting. He stated that the chairman's role was to open the meetings, go through the agenda, call for a vote when needed, close the meeting and maintain order. Administrator Cluff then went on to ask the commission if they could have an extra meeting once in a while over the next couple of months.

The commission has not been meeting due to not having an administrator. There are a few things pending that may need to be seen before too long. Commissioner Reynolds wondered if there was anything that the commission should study up on. Administrator Cluff suggested that they start with the development code especially the administration procedures and hearings. Sam Angel added that if they would spend a couple of minutes each day going over it then it would help them understand the code better. After they get an idea of how the procedures work then they should go through chapter 17.48, general performance standards. This is the standard that every application has to meet. These are the things the commission has to pay attention to when reviewing a permit. The commission needs to know if the application can show how it will meet these standards. Such as are they going to be compatible or are they going to meet the noise level. Also look through the definitions. If the commission finds a rule in the code that they feel is not serving the city well then they can make a recommendation to have it changed. The commission discussed public comment and the right time to allow it. If the commission feels like they need more information to make a decision they can direct the administrator to get that or if there is someone in the audience that they know may have the information they can ask for them to speak. The commission does not have to make a decision the same night as a meeting. They can take it under advisement and make a decision at a future meeting. The administrator asked the commission to skim through the comprehensive plan between now and the next meeting so that they can get an idea about what it says about the city and how that plan works. Sam Angel pointed out that these meetings are public meetings and he was glad to see a number of the public at the meeting and that they are always welcome. He went on to say that it is great when you have public involvement. That will happen periodically so take advantage of that when you need information. Encourage people to be on the agenda at appropriate times. He told the commission that Sheryl Hill sends him a letter from time to time and often she knows what she is talking about. There are a lot of people out there that can help you out with different perspectives on things. With the use of the agenda you will be able to tell if it is a time to hear public comment.

Minutes respectfully submitted by Jan Warnke