



## Planning & Zoning Commission

### Public Hearing

Thursday, October 13, 2016

Delta City Building Council Chambers

76 North 200 West

Delta, Utah

#### PRESENT

Linda Beard, Member  
Rand Crafts, Member  
Wes Duncan, Member

Richard Jones, Member  
Linda Sorensen, Chairwoman  
Roger Zeeman, Member

#### ABSENT

Alan Johnson, Member  
John Niles, City Representative

#### ALSO PRESENT

Dent Kirkland, Code Enforcement Officer  
Lora Fitch, Deputy Recorder  
Todd Anderson, City Attorney

Howard Quackenbush, Delta Citizen  
Danika Anderson, Delta Citizen  
Finn Anderson, Delta Citizen

Chairwoman Linda Sorenson called the public hearing to order at 6:45 p.m. She stated that notice of the time, place and the agenda of the meeting had been posted at the City Building, on the Utah Public Notice website, the Delta City website, and had been provided to the Millard County Chronicle-Progress and to each member of the Commission at least two days prior to the meeting.

#### Receive and Consider Public Comment Regarding: The Proposed Exception of Carport from Property Setbacks

Chairwoman Sorenson introduced what the public hearing was about and asked if there was any public comment. Howard Quackenbush came before the Commission to explain that at his physical therapy business, he was working on getting a covered parking structure installed with solar panels on the roof. Mr. Quackenbush explained that he had gone through most of the process of getting the carport and solar panels planned out when it was brought to his attention that his carport would be within property setbacks. Mr. Quackenbush asked that the Planning and Zoning Commission consider changing the setbacks for all zones to allow for setback exemptions for carports to allow for future building and to bring many of the current carports in town into compliance with the City Ordinances. There was a discussion about the location of the proposed carport at Mr. Quackenbush's practice. City Attorney Anderson informed the Commission that in researching carport exemptions to setbacks, he could not find any cases of it happening in Utah, but he did find some out of state. Most of the language in the proposed

change to the setback exemptions was based off of an ordinance in Amarillo, Texas. City Attorney Anderson stated that even in the cities that allowed the setback exceptions, none of them went straight to the property line. They all had a three-to five-foot setback on carports. City Attorney Anderson said that in the Ordinance he left the carport exceptions open to having a conditional use permit, but recommended against conditional use permits since the Utah Leagues of Cities and Towns, the Land Use Coalition, and the Utah Property Ombudsman are all making a strong push to do away with conditional use permits state wide because they have been being arbitrarily applied. City Attorney Anderson presented a couple of the items in the ordinances that he had had questions about, including getting utility companies to sign over permission or at least no objection to build on the easement. There was a discussion about what is allowed on the easement, like parking lots and sheds and what the City is required to replace if the easement is dug up.

Chairwoman Sorensen asked if there was any further comment. There being none the meeting was adjourned at 7:00 p.m.

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**Minutes Approved Lora Fitch, Deputy Recorder**