



## Planning & Zoning Commission

### Regular Meeting

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  
Finn Anderson, Delta Citizen  
Danika Anderson, Delta Citizen

Chairwoman Sorenson called the meeting to order at 7:01 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.

#### **MINUTES**

The proposed minutes of a Planning & Zoning Public Hearing held September 8, 2016 were presented for consideration and approval. Commission Member Beard made a MOTION to accept the Public Hearing Minutes of September 8, 2016 as presented. Commission Member Jones SECONDED the motion. The motion passed with Members Beard, Crafts, Duncan, Jones, and Zeeman in favor and City Representative Niles and Member Johnson absent.

The proposed minutes of a Planning & Zoning Commission Meeting held September 8, 2016 were presented for consideration and approval. Commission Member Jones made a MOTION to accept the Planning and Zoning Minutes of September 8 as presented. Commission Member Duncan SECONDED the motion. The motion passed with Members Beard, Crafts, Duncan, Jones, and Zeeman in favor and City Representative Niles and Member Johnson absent.

#### **BUSINESS**

##### Regulation of Solar Facilities

Code Enforcement Officer Kirkland came before the Commission to remind them that the City Council has put a six-month moratorium on pole-based and ground-mounted solar panels and

that the Planning and Zoning Commission needs to work on putting together a solar panel policy. Code Enforcement Officer Kirkland informed the Commission that roof-mounted solar panels have been requiring a building permit and inspections to make sure that they are up to standards for electrical, weight, fire suppressing, and structural requirements. City Attorney Anderson presented some of the information he had found to shape some of his questions before drafting a policy. City Attorney Anderson asked the Commission what types of solar panels they were wanting to permit within City limits. City Attorney Anderson pointed out that many areas regulated differently in residential and non-residential areas. After discussing the differences between solar power use and solar panel production Commission Member Crafts said that the primary use for the solar power in City limits would need to be for the property and not to sell. Commission members mostly agreed that pole-mounted solar panels should not be in residential zones. Commission Member Crafts stated that he thought ground-mounted solar panels should not be an issue within residential areas, provided that the property owner's yard is of sufficient size. The Members of the Commission agreed that for ground-mounted they should be restricted on height, and percentage of lot that they can cover, but they would want to research other ordinances more. The Commission agreed that they were favorable of roof-mounted solar panels in all zones within the building code restrictions. There was a discussion about the possibility of regulating sun access and covenants regarding solar panels and the Commission was not in favor of doing so. Commission Member Crafts recommended that if Delta does not have anything limiting the amount of surface area outbuildings can take up of a property that it be looked into. City Attorney Anderson informed the Commission that he would put together a rough draft of a policy for them to look at in an upcoming meeting. The Commission agreed to that and agreed to do some more studying on the subject of solar panels.

#### Council Recommendation of Carport Setback Exemption

Code Enforcement Officer Kirkland informed the Commission that he did have a few concerns about exempting carports to property setbacks, including encroaching on setbacks and utility easements, and maintaining utilities if there is a carport on top of it. Code Enforcement Officer Kirkland recommended that the Commission have at least a 5-foot setback for carports so that there will at least be a ten-foot gap between the carports on neighboring parties and informed the Council that there has to be a ten-foot space between the carports and the primary structure on the property or the carport has to be attached to it. There was a discussion about utility easements and setbacks. The Commission discussed the definition of carport and asked that it be clarified that if a carport is not in an encroachment it needs to meet the requirements of a private garage. There was a discussion about height and size restrictions and it was agreed that it would just need to fit into the height limit of 35 feet since that is the height limit in most zones and to not limit size which eliminated A3 and A14 on the proposed Ordinance. The Commission agreed that the ordinance allow for the maximum of one encroaching carport per property, altering A13. There was a discussion about A8 and whether or not requiring approval form utility companies was feasible. After discussion, the Commission requested that the wording on A2 indicate that the carport must be within front setbacks on all lots and not just corner lots. The Commission discussed A7 and what base should be put under a carport and it was decided to change A7 to allow some sort of compacted gravel or road base of at least 4 inches. The

Commission agreed that the setbacks on A1 be changed from 3 feet to a 5-foot setback. Code Enforcement Officer Kirkland reminded the Council that Mayor Bunker has heard the Utah League of Cities and Towns is pushing for Cities to move away from granting Conditional Use Permits. Commission Member Jones mentioned that if there is a utility in the easement, it is not a question of if the utility will need maintenance, but when. A8 was adjusted so that if there is an existing or proposed utility in the easement, a permit will not be granted, but if that is not the situation a permit will be granted, but the builder is doing so at their own risk and needs City approval. Commission Member Crafts made a MOTION to recommend the approval of setback exemption for carports with the following changes to the language on page 172 Title 12-21 under 12-20-2 under A1 change 3 feet to 5 feet, remove A3, under A7 also include compacted road base or aggregate at least 4 inches deep, A8 the carport cannot be on any public utility or drainage easement with any existing or proposed utility in place and if there is no existing or proposed utilities – they must receive approval from the City, A13 be changed to one carport per lot only applies to carports in encroachments, A14 be removed, and under the definitions for carport change to allow a carport in an encroachment under 12-20-2, but otherwise must meet the requirements of a private garage. Commission Member Duncan SECONDED the motion. The motion passed with Members Beard, Crafts, Duncan, Jones, and Zeeman in favor and City Representative Niles and Member Johnson absent.

#### **OTHER BUSINESS**

Code Enforcement Officer Kirkland informed the Commission that at the City Council Meeting the prior week, the City Council approved the Ordinance 16-271 amending Title 12. There was a discussion held about the City Council meeting.

With no other questions or concerns, Commission Member Duncan MOVED to adjourn the meeting. Commission Member Crafts SECONDED the motion. The motion passed with Members Beard, Crafts, Duncan, Jones, and Zeeman in favor and City Representative Niles and Member Johnson absent.

Chairwoman Sorenson declared the meeting adjourned at 8:38 p.m.

Minutes Approved

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Lora Fitch, Deputy Recorder