

**Adopted Minutes
Planning Commission
November 1, 2006**

Commission Members Present: Chairman Paul Bradford, Del Robins, Sharon Miya, Sherman Huff, Mike Christianson

Staff Present: Dave Anderson, Planning Director; Richard Nielson, Assistant Public Works Director; Christine Johnson, Assistant City Attorney; Kimberly Robinson, Deputy Recorder

Citizens Present: Kari Barber, Edith Barber, Keith Barber, Duane Gilger, Ray Swenson, Carol Swenson, Allen Swenson, Reed Call, Clark Cox, Dan Sutherland, Colette Sutherland, Lyman Crisler, David Olson, Alyn Olson, Brent McQuarrie, Zachary Fossum, Carol Berrett, Jayson Baker, Kim Baker, Clark Mitchell, Tonya Hartley, Jim Hartley, Jeremy Stone, Pat Sorensen

Review and Training at 6:30 p.m.

CALL TO ORDER, PLEDGE

Chairman Bradford called the meeting to order at 7:00 pm

The pledge of allegiance was lead by Commissioner Robins.

MINUTES

October 4, 2006

Commissioner Huff made a **motion** to adopt the minutes if October 4, 2006 as printed. Commissioner Miya **seconded** and the motion **passed** all in favor.

PUBLIC HEARING

Commissioner Robins made a **motion** to move to the public hearing. Commissioner Christianson **seconded** and the motion **passed** all in favor at 7:02 p.m.

Conditional Use Permit

Mr. Anderson explained the request for a Commercial Animal Shelter at 811 East 1950 North. The business would be a breeding facility for snakes, the operation has been discussed by the applicant and staff in considerable depth. The Development Review Committee (DRC) reviewed the project with the necessary findings and they found the use met all the requirements to receive a Conditional Use Permit. As the DRC discussed the land use impact they found that it would not create any traffic, the applicant and his

wife will make daily visits and there may be some delivery trucks, traffic to and from the site will be minimal. The animals that will be kept are quiet and do not emit noxious odors.

Commissioner Christianson asked how they know what industry approved standards are.

Mr. Anderson said they have caging requirements for industry standards.

Commissioner Christianson asked what would happen if this was not followed through.

Ms. Johnson stated that the permit would have to be brought back before the Commission.

Commissioner Miya asked who would monitor the standards.

Ms. Johnson stated typically the enforcement officer, but for now that would be Dave Anderson the Planning Director since they currently do not have a code enforcement officer.

Commissioner Christianson said item six (6) states that it would be nuisance free, but feels that is a very broad definition, how do they define what a nuisance is.

Mr. Anderson agrees it is somewhat open ended, the City does define nuisance items. The Commission can define it better if they choose. They can require an annual inspection upon renewal of a business license.

Mr. Sutherland the applicant, answered questions from the Commission.

Commissioner Miya asked for a summary of what he had told the DRC about his proposal.

Mr. Sutherland said the majority of what they keep are the ball pythons, they do have a few boas that can reach up to five (5) feet in length.

Commissioner Miya asked for information on the feeding procedures.

Mr. Sutherland said they are fed in the cage they do not take them out of the cage. They are fed rats and mice, rats for the big ones and mice for the smaller ones. The food is kept in industry standard caging as well.

Chairman Bradford asked if there is a possibility of them escaping.

Mr. Sutherland replied that the mice are albino lab quality rodents so they can tell if they ever got out. He added they have been doing this business for 16 years. They are more concerned about animals getting in than theirs getting out.

Commissioner Christianson asked how many snakes they plan to keep.

Mr. Sutherland stated they will have less than 1,500 animals.

Chairman Bradford asked how much odor there will be.

Commissioner Miya clarified that they do not smell.

Mr. Sutherland stated the snakes do not smell but the rodents do have an odor, they ventilate the building and no one will be bothered.

Commissioner Miya asked what credentials they have for raising the animals.

Mr. Sutherland stated his wife has a degree in Zoology from BYU, and they are considered experts in their field. They are one of the most recognized breeders in the country. He also explained in California they never had any issues with their neighbors.

Commissioner Robins asked in 16 years how many snakes have they had escape.

Mr. Sutherland answered they have had zero snakes escape.

Commissioner Huff asked regarding the transportation of the product, how is it taken from the facility.

Mr. Sutherland explained they are placed in a sack with heat packs or cold packs, and then packaged. They drive them to the airport themselves or they take it to a FedEx facility.

Commissioner Christianson asked if their facility would have signage.

Mr. Sutherland stated they will not have signage, they would like not to be noticeable because the product they have is worth a lot.

Commissioner Robins asked if there are special guidelines for disposing of refuse.

Ms. Sutherland said they will be cremated and they contract that service out.

Jeremy Stone

Mr. Stone lives in Lindon, Utah, he has been doing this all his life, locally. He gave the Commission a magazine that states the caging requirements. He added they also have a herpalogical society that decides what is required. He said he went through similar things for his facility, and stated that it would be like a pet store only privately owned. He said this is a \$2 billion dollar industry and they are dealing with high-end animals, and they have to keep it clean. The Division of Wildlife Resources enforces compliance and can remove the collection if they feel there is any abuse. He feels he has a great relationship with his neighbors. He stated that if they keep it clean there will be no odor. He would ask as a citizen that the Commission accept the Sutherlands and their proposal. He added

that he has cameras on every single cage. They are more concerned with people coming in and taking the animals than about the animals getting out.

Dave Olson

Mr. Olson said the applicants talk about security, but he questions that there are always accidents. He noted that in California there was a serious accident and snakes were released into the area. He does not want to have anything get into the environment, there are many children in that area. He does not want snakes in Spanish Fork.

Commissioner Robins asked what kind of conditions he would like to see put on this project.

Mr. Olson said there needs to be more scrutiny, and a stricter observation of what they are doing.

Commissioner Miya asked for clarifications on where in the code snake farms are considered a Conditional Use.

Mr. Anderson stated that in Title 15 of the Municipal Code it spells out the uses. It is his responsibility to interpret the code and in his judgment that is the most appropriate use as a Commercial Animal Shelter under the definitions.

Alyn Olsen

Ms. Olsen says there is supposed to be a big earthquake coming, she asked what steps are being taken for a disaster plan so the animals do not escape.

Pat Sorensen

Ms. Sorensen works at the animal shelter, she stated if there was a disaster the snakes would not survive. She is not pro snake, but she has no concerns as long as he keeps his feed in line. She also stated that since it is an animal shelter the ASPCA can help with enforcement. She said they will not have to worry about the snakes.

Commissioner Christianson made a **motion** to close the Public Hearing on this item. Commissioner Huff **seconded** and the motion **passed** all in favor at 7:45 p.m.

The Commission discussed the five items in the staff report:

1. The proposed use is consistent with the policies of the City's General Plan and the purpose of the zoning district in which the site is located.
2. The proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, when consideration is given to the character and size of the use and hours of operation.
3. The proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping, and buffer yards are met.

4. The proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use, and that on-site circulation is adequate to permit driveways, parking, pedestrian ways, and loading requirements, in a manner which is safe and efficient.
5. Adequate conditions or stipulations have been incorporated into the approval of the Conditional Use Permit to insure that any anticipated detrimental effects are minimized.

Commissioner Miya is not totally convinced that there is not a potential hazard. She disagrees with item #2.

Commissioner Robins stated this is an education process and asked if they had a disaster plan for the site.

Mr. Stone stated they do have a disaster plan in place.

Mr. Sutherland stated that the snakes can live in bags for weeks.

Commissioner Christianson made a **motion** to recommend **approval** of the proposed Conditional Use Permit based on the following findings and conditions:

Finding:

1. That the required findings are made for the proposed Conditional Use Permit provided that the conditions listed below are met.

Conditions:

1. That venomous snakes are not allowed.
2. That snakes that require State or Federal permits for possession will not be allowed.
3. That the facility maintain industry approved standards.
4. That rodents are required to be caged.
5. That a security system is employed.
6. That the business not become a nuisance to surrounding businesses.
7. That a disaster plan for fire and earthquake be provided at the time a Business License is applied for.
8. The zoning officer will contact the Division of Wildlife Resources if there are concerns.

Commissioner Robins asked that they be required to have a disaster plan in place, he feels it would be useful.

Commissioner Robins **seconded** and the motion **passed** with a roll call vote. Commissioner Miya voted nay she feels it needs to be in a more isolated area. Commissioner Huff said he voted nay because it is on the agenda as a Conditional Use Permit.

Amendment to the General Plan and Zoning Map

Mr. Anderson stated the DRC recommended that the request be denied because there are a limited number of sites Spanish Fork that have commercial potential. They feel that at some point in the future this will be viable to be used for commercial uses. They feel we have a need to provide for certain services in different parts of the City. He explained that the fees, taxes and so fourth collected with residential development do not cover the cost to provide services, it takes the commercial development to help pay for the fire, police, other needed services. He believes the General Plan is a living document and that it needs to be reviewed in the future but that the DRC does not believe any change is justified today.

Clark Mitchell

Mr. Mitchell stated they have been working to develop this property for the last six years. He then gave a presentation regarding the proposed development.

His biggest point is not to sell condominiums, but to talk about the use of the zone. Spanish Fork is the most progressive City in the area and he likes to do development work here. As landowners, they would like to have the Planning Commission look at this issue from a land use perspective.

The Commission opened the discussion for public comments.

Clark Cox

Mr. Cox lives on both sides of the property. He said they were not happy with the zone change when it went to commercial and they are against the C-1 zoning in that area. They recommended an R-3 zone instead. He would also like to give consideration that no outlets go onto canyon road, and that the speed limit on that road be lowered. If it remains a C-1 zone the residents will be petitioning again to have it changed.

Commissioner Huff made a **motion** to close the public hearing. Commissioner Miya **seconded** and the motion **passed**. Commissioner Robins voted nay.

Discussion was made regarding the road frontages and the future of the roads in that area.

Commissioner Huff stated that is a State highway and the City does not address speed limits on state highways.

Commissioner Miya clarified that they will build the access onto 1700.

Discussion was made regarding construction of a traffic signal in that area.

Commissioner Christianson said he feels the bigger zone has not been proven yet.

Chairman Bradford feels there is a need for a small business that will fill their needs.

Commissioner Robins feels this information should have come when they did the General Plan.

Commissioner Miya stated she is hesitant to put any land into the residential classification until they have met and received reports from the different departments of where is the best place to develop so they utilize the existing capacity they do have at the treatment plant. She sees Mr. Mitchell's point but feels they need to wait until they have more information on where they need to utilize the sewer connections.

Clark Mitchell

Mr. Mitchell feels they tested this and it has not been able to develop and when the bigger development happens they will not be able to compete. They have spoken with many gas stations and have been told that they need to be on a busier road. They have also tried accommodating doctor's offices. He feels if the neighbors would rather have 20 new neighbors than a strip mall and that should be taken into consideration.

Chairman Bradford feels there is a lot of room for growth throughout that area and as far as commercial that is the only area we have.

Commissioner Christianson does not have a problem changing from commercial to another use, he feels they are not in the business of telling people what they can do or not with their property. He worries that if they move to the higher residential it would not be conducive to the area. He does not have a problem with changing it to residential the problem is increasing the density.

Mr. Mitchell stated he feels they will have a hard time getting the people for the commercial use if they don't increase the density.

Commissioner Christianson feels they are not in the business of telling the owner to keep their property until something happens down the road.

Zack Fossom

Mr. Fossom is a partial owner of the property. He said to look across the street to the higher density they act like a buffer between the busy road.

Commissioner Robins likes the concept plan but is uncomfortable with increasing the density and does not feel it is right for Spanish Fork City at this time.

Reed Call

Mr. Call said he had a dental office across the street. He would like to see a dental office built, and feels it would be a real service to the people. The people wanted to put a medical office on the property but said it was just too early.

Commissioner Miya is hesitant based on the projected utility capacities to switch this to such a high density zone.

Chairman Bradford feels they are too early to change the zoning in that area.

Commissioner Miya said they could even wait a year once some of the issues have been figured out.

Commissioner Huff feels Commercial Office would be a good zone for that area, he just does not want to move to quickly to zone it residential.

Commissioner Robins asked Mr. Mitchell if he would be more comfortable tabling this item until they can do some more research.

Mr. Mitchell said he can bring back ideas and would prefer that it be tabled with some other criteria.

Mr. Anderson stated the request should be accurately stated for neighbors for notice of public hearing with the change.

Commissioner Robins **moved** to table this agenda item to give the developer a chance to re-consider different zoning options, and that it be re-noticed for another public hearing. Commissioner Huff **seconded** and the motion **passed** all in favor.

Commissioner Robins made a **motion** to move out of the Public Hearing at 9:09 p.m. Commissioner Christianson **seconded** and the motion **passed** all in favor.

STAFF REPORTS

Subdivision Waiver

Mr. Anderson explained the proposal and stated that the applicant meets the requirements. He stated staff recommends approval.

Commissioner Christianson made a **motion** to approve the proposed subdivision waiver for Duane Gilger, based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Subdivision Waiver is consistent with the requirements of the R-1-6 zone.

Condition:

1. That the project meets the Construction and Development Standards.
2. That any necessary corrections be made to the plat and a clean copy be provided for the City's files.
3. That any requirements of the Engineering and Electrical Departments be satisfied before deeds are recorded.

Commissioner Miya **seconded** and the motion **passed** with a roll call vote all in favor.

Planning Review and Update

Mr. Anderson explained this developer would like some feedback on a land use proposal.

Les Allen

Mr. Allen is the developer and builder of Somerset Village. He discussed the idea of continuing the development to the west.

The Commission did not see any big opposition for the ideas and said they are open to see more information.

Mr. Anderson gave the Commission a list of items dealing with the growth discussions.

Commissioner Christianson made a **motion** to adjourn at 9:45 p.m. Commissioner Robins **seconded** and the motion **passed** all in favor.

ADOPTED: February 7, 2007

Kimberly Robinson, Deputy Recorder