

Minutes of a Planning Commission meeting held at City Hall on Tuesday February 10, 1987, at 7:00 P. M.

Present were Chairman Lynnette Neff, members Ione Anderson, Grant Pay, Kevin Steadman and David Smith. Also present were Kim Beaver, Dale Bascom, Bonnie Rees, Kim Barlow, Jim Gause, Ethel and Myron Olson and Councilman Sherman Jones. Minutes were recorded by Ramona Rosenlund. *Clara Gaudy in at 8:55 p.m.*

Mrs. Neff called the meeting to order at 7:05 P. M. and offered the prayer.

Mrs. Neff explained to those here for the consideration of business license applications that the Ordinance had been changed and everyone with a home business needed to come to the Planning Commission to determine that the proposed business meets the zoning ordinance requirements. If it does, they will recommend to the city council that a license be issued. She reminded them that the Planning Commission has nothing to do with setting the fees for the businesses so this will not be discussed here. She explained that if the license is approved this year and the business remains exactly the same it will not be necessary to come to the Commission again.

Each one was asked to sign in as they entered the meeting and Mrs. Neff said they would be considered in that order.

Kim Beaver: Mrs. Beaver operates a beauty shop in her home full time. Mrs. Neff read the ordinance requirements and it was determined that Mrs. Beaver's business met all of them. Mr. Steadman made a motion they recommend approval of her business license. Mrs. Anderson seconded the motion which passed. Mrs. Beaver left the meeting.

Dale Bascom: Mr. Bascom operates a T. V. Repair shop. He said he works full time at BYU and his shop only part time. He said he mainly repairs T.V.s but does some VCR and stereo repairs also and he makes house calls. He does the repair work in a building outside of his home. He has no special vehicle, no sign and his wife does the bookkeeping. Her name is Jerry so they call the business D & J T.V. Repair. He said he has no outside storage of materials of any kind and has two off-street parking spaces. Mrs. Anderson made a motion they recommend approval for a home industry business license for Mr. Bascom. Mr. Pay seconded the motion which passed. Mr. Bascom then left the meeting.

Bonnie Rees: Mrs. Rees wants to raise and sell miniture poodles. Mrs. Neff read the Animal Control Ordinance which requires that any person having three or more dogs must have a kennel built to the specifications outlined therein. Mrs. Rees said these dogs are so small and delicate, (she had one with her which is only a few inches high and full grown) they cannot stand to be outdoors more than a few minutes at a time and she would be taking care of them entirely within her home except for a portable run placed in her yard for use during the few minutes they are let out. She said she now has eight dogs. She said cement floors (which is one thing the ordinance mentions) are not good for dogs as they hold the cold and some moisture and she could not allow her dogs to be on cement floors out of doors as they would get pneumonia.

Mrs. Neff explained the city was in the process of updating the Animal Control Ordinance, which is more lenient, but it might be as much as a month before it was passed. Until then they had to go by the old one which also says her dogs must be licensed by the end of February. Mr. Smith asked if she would get a kennel permit when the new ordinance is passed as she is a new business. Mrs.

Neff said she had to have her dogs licensed before the 27th of this month, or the fee would be double. Mr. Jones said maybe we could notify the Animal Control Officer of the situation so she would not issue any tickets or charge a late fee then Mrs. Rees could come back to the City Council meeting next Tuesday for any suggestions she might have for the new ordinance. Mrs. Rees said she might do that and she then left the meeting.

Kim Barlow: Mr. Barlow has a Home Occupation which is a carpet cleaning business. He has no outside help or storage, no vehicles, no signs and there have been no objections from neighbors. Because his business meets all requirements, Mrs. Anderson made a motion they recommend approval of a business license, Mr. Smith seconded the motion and it passed.

Mr. Barlow asked how the city policed home occupations and home industries and if requiring them to come to the Planning Commission might keep some people from coming in for a license. Mr. Jones said the city receives a list each quarter from the state tax commission showing all sales tax numbers for the city to screen although there are some who do not get a sales tax number.

Jim Gause: Mr. Gause came in to the last Planning meeting requesting approval for a home industry business license and was asked to come back when he had removed all signs of his business from the front of the premises as there were complaints from the neighbors. Mr. Gause said he did not know this was bothering his neighbors. Mrs. Neff reminded him there is no outside storage of materials pertaining to his business allowed. Mr. Jones said he drove by the place and it looks like he is trying to clean it up. Mrs. Neff said she drove by on sundays going to church and it look the same to her. Mr. Jones said the police department report when they see things of this nature as they are patrolling around the city and last year was a bad one for littered yards. Mr. Gause said the whole town should be made to clean up yards.

Mrs. Neff said they can only police the home industries, not everyboy else. Some places are non-conforming as they existed prior to the ordinance. Mr. Gause said there are places with junk piles and that he knew Orem did not allow this. Mr. Steadman asked if there was anything the city could do about junky yards. Mr. Jones said the council has talked about this problem but they can't do much about if it is on private property.

Mr. Steadman made a motion they recommend approval of Mr. Gause' business license application for his home industry. Mrs. Neff seconded the motion which passed. Mrs. Neff reminded Mr. Gause he is in a position where he may be shut down anytime if he does not conform. Mr. Gause replied his insurance company may do that for him as they have raised the premium and it may be too high and it is hard to buy commercial insurance. Mr. Gause left the meeting.

Mr. and Mrs. Myron Olson: Mrs. Neff explained that the Olson's had been in a while back and annexed their property into the city as T-5 zone. They now want to zone it residential. She said the new annexation ordinance allows those who already have a city water hookup to annex up to 1 1/2 acres without giving up water shares. They have 2 and 1/2 acres on which are two homes, both hooked up to city water. Using the map submitted for the original annexation, Mr. Olson showed about where the homes were located.

Mrs. Rosenlund asked if the property would have to be re-divided into two properties to qualify under the new ordinance. Mr. Jones said they are just requesting a zone change and can bring in both pieces. Mrs. Neff said this

would be a technicality as the property is in three pieces now, two with homes and 2/3 of an acre in the middle. Mrs. Neff made a motion they recommend to the City Council that they make a zone change on the three lot parcel belonging to Mr. & Mrs. Olson from T-5 to RA-2. Mrs. Anderson seconded the motion which passed. The Olsons left the meeting at 8:45 P. M.

Mrs. Neff said they need to designate someone as a vice chairman so there will be someone to take charge if she can't be here. Mrs. Anderson recommended that Mr. Steadman be vice chairman and Mr. Pay seconded the motion which passed.

Updating of the Zoning Ordinance : Mrs. Neff reported that so far the city council has not voted to pass the sign ordinance portion of the zoning ordinance and asked if anyone had any questions about it. There were no questions.

Mrs. Rosenlund was asked to report on what she found out from other towns as to how they handle contractors in residential areas. She said she had checked with Payson, Spanish Fork, Springville and Salem and none allow them in residential areas. The office can be in a home but all equipment, etc. must be in an industrial or service-commercial zone. None of these towns allow home industries either, only home occupations.

Mr. Smith said people move here so they can do what they want to make a living, but as the town grows, we don't want too many. Mr. Pay said what about Dick Greenhalgh, he is non-conforming so shall we keep him from expanding with more equipment? Mr. Smith said what about the Broadheads? They don't have any room for large equipment. You never see such things in larger towns in residential areas. Mr. Jones said all contractors in town are non-conforming and we have to consider people who have a home and then a contractor moves in next door. They need protection. Parking of equipment is not much of a problem but maybe we could require a fence. Mrs. Neff said she liked the idea of fencing. She wondered if they could limit the number of pieces of equipment. To store one is as bad as ten but is it right to limit the amount of equipment they may have? If they start with a backhoe and a dump truck, how many more could they have?

Mr. Smith said he felt all equipment should be inside a fence. Most are small businesses and can't afford a building or other property but should have to fence it. Mr. Jones said maybe the number of pieces of equipment should be limited in future. Mr. Smith said Russ Strong has a backhoe and a dump truck but a very small lot. However, he has other property across the street where it is parked. Mr. Pay said maybe the size of the property should be a consideration.

The discussion continued with Mrs. Neff saying perhaps the land space and the number of pieces of equipment should be factors. Mr. Smith said they could let the ones doing it now carry on but any new contractor businesses would have to be regulated. Mrs. Neff said she didn't think they should be allowed in a residential zone.

Mr. Steadman said someone told him the city needs storage sheds and that some people would come here from out of town to store things. Mr. Jones said it seemed to him there were a lot of these storage places along the freeway near Orem and beyond. Mrs. Neff asked if they could define types of contractors. Mr. Steadman said they might be able to define the equipment that was wanted and not wanted in a neighborhood or maybe the size of equipment allowed. Mr.

Jones said he also thought they should define contractor. Mrs. Neff said is a contractor one who constructs, erects, improves? and what about defining equipment? Mr. Smith said there are wheeled vehicles, planks, scaffolding, etc. Mr. Steadman said maybe it could be listed as transport vehicles, materials, supplies and/or inventory. We may run into cattle trucks, house trailers, etc. in time.

Mrs. Neff suggested they write a clause for contractors in a residential zone and not worry now about an industrial zone. She asked if they should say no more will be allowed? Mr. Smith ^{said} maybe they should be allowed to grow until they out-grow the area they have but maybe they will need to hire more people before they reach that point. Mrs. Neff said they could allow a certain amount of equipment and then when that is reached they would have to get out of the residential zone, but there needs to be a provision to give some leeway. Perhaps the Board of Adjustment could grant provisions. She said she would like to see a provision for allowing the hiring of additional people if needed.

Mr. Smith said he felt that the intent of the original zoning ordinance of limiting the number of persons a home industry is allowed was to limit expansion in a residential zone. Some businesses might need six to eight extra people at some point and it is hard to get enough capitol to move into an industrial zone. Mr. Jones said we can show on the Master Plan where we want industry and the city has jurisdiction up to one-half mile from the city limits. The county will pay attention to our Master Plan and we need to get it updated as soon as possible.

There was further discussion of contractors and the definitions of them. Mr. Jones said the type of occupational contractors needing a state license are listed in the Utah Code. Mrs. Neff said the ordinance could say all contracting must be done totally outside of the home, all equipment must be fenced by a 6 feet high fence and they could be limited to three construction related vehicles. Mr. Steadman said he liked this and if they had more than three related vehicles they would need a variance. He said he agreed with the fence requirement. Also, the contractor's insurance would be better if everything were fenced. Mrs. Neff thought maybe they should say the equipment must be so many feet from the street or homes but there needs to be a definition of both kinds of contractors and kinds of equipment. Mr. Jones said they should probably be allowed incidental equipment such as a pickup truck or maybe up to a one ton truck which could be excluded from the equipment allowed. Mrs. Neff asked if the equipment could be identified by the number of wheels. Mr. Steadman said maybe the gross weight would be a good way to go such as anything over two tons would be counted. Mr. Pay said non-highway vehicles or those used exclusively for farm work should be excluded.

Mr. Smith said he didn't think the number of workers could be limited as they will be where the job is and not at the home of the contractor. Mr. Steadman said they sometimes might have a lot of unloading of supplies at their home base or at the job site and what about secretaries? Mr. Jones said it should be limited to one full time office person beyond the family residing on the premises.

Mrs. Neff said a business license schedule needs to be added to that ordinance when the Planning Commission comes up with what is needed for the zoning ordinance.

Mr. Jones suggested they be allowed to bring in machinery or equipment for

storage while being repaired for only a three month period of time. Mr. Steadman said if some equipment is brought in for cannibalizing, it could be there for years. Mr. Smith asked if these could be required to be stored in a shed and Mr. Jones said maybe they can't have this size shed as the property may not be big enough. Mrs. Neff said contractors should not be allowed in subdivisions.

Mrs. Neff read through the Home Industry requirements and said she felt item "e" should apply to contractors. She asked the number of peices of equipment they felt should be allowed and Mr. Jones suggested eigther 2 or 4, saying that most of them start out with a backhoe, a truck and a lowboy trailer. Mr. Pay said Jim DeGraffenried could get four peices on his two and a half acres, but some lots are too small for that many. Mr. Jones suggested they be allowed 3 peices per business and one more for each additional 1/2 acre of property although maybe the number of peices needs to be limited in a residential zone. Mr. Smith said he felt they needed to have more property. Mr. Jones said they need 12,500 square feet of property for animals so maybe they should have this much for a contractors business. Mr. Smith said he felt it should have to be fenced. He thinks this is lienent and fair and will allow growth since none are allowed in any other town in this end of the county.

Mrs. Neff asked about outside storage of materials and what is permanent materials. She does not like the idea of gas cans and pipe where kids can get hurt. Mr. Steadman asked if all materials stored on the premises for over 30 days must be housed inside? Mrs. Neff said if they are inside a fence, it might be alright but if not they can be a real nuisance. Mr. Steadman said we should be able to deal with situations as they occur if they have some quidelines to follow. Mrs. Neff asked to have the suggestions made tonight typed up for the next meeting so they could go over them.

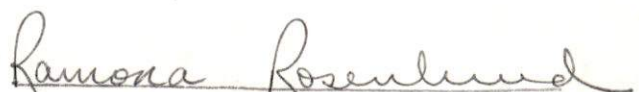
Mr. Smith said he didn't think there would be a lot of material for a long time. Mr. Jones suggested that any material for resale must be stored off the front yard. Mrs. Neff said she was concerned with piles of gravel or old machinery which collapes and stays there for years. Mr. Steadman said they should not have anything that is offensive to the neighborhood and Mr. Smith said they must still maintain a residential look, not look like a construction yard. Mr. Jones said it can't become a nuisance and can't be on the city streets as there is already an ordinance prohibiting this. He felt they should do the best they can with an addition to the ordinance at this time and if a problem comes up, they can look at it again. Everybody needs some regulation so as not to offend the neighbors. Mrs. Neff said she felt lenient to those here as she has always live here but if someone new came in, she might object.

Clara Goudy: Mrs. Goudy has a home occupation. Mrs. Neff read the ordinance to her and it was found she has no sign, no vehicle, no outside workers and no objections from any neighbors. She does income tax returns. Mr. Steadman made a motion to recommend approval of a business license for Mrs. Goudy. Mr. Pay seconded the motion which passed.

Mrs. Neff made a motion that this meeting be adjourned. Mrs. Anderson seconded the motion which passed and the meeting adjourned at 9:00 P. M.


Chairman


Date Approved


Secretary