

Newton Planning Commission Meeting
April 14, 2016, 7:00 P.M.
Newton Town Hall

Minutes

Agenda

1. Opening ceremony
2. Approval of March 2016 minutes
3. Dog kennel conditional use permit application for Joel & Patricia Hudson, 142 South 400 West, for 3 dogs
4. Review plan for two lot subdivision at 275 West Main by Reid Smith
5. Review of Foundation Requirements
6. Review plan for two lot subdivision at 475 West 300 South by Doug & DeeDee Anderson

Members present: Ken Jensen, Dale Mohlman, Kevin Parkinson, and Travis Wilhelm.

Karla Ferguson (Recorder)

Absent: Bob Bartlett

Visitors: Jed Woodward, Reid Smith, and DeeDee Anderson.

1. Opening ceremony.

2. The minutes for March 2016 were approved.

3. Dog kennel conditional use permit application for Joel & Patricia Hudson, 142 South 400 West, for three dogs. Travis Wilhelm reported that animal control Officer Toone was asked to investigate the Hudson's dogs. Officer Toone was not able to attend the meeting but said to call him with questions. Officer Toone was called and put on speaker phone and asked questions regarding the dogs. Officer Toone said he feels a kennel should be an enclosure six feet high and should have a concrete floor that dogs cannot tear apart easily. Officer Toone looked at the Hudson property and said it was an open backyard with a small fence. Officer Toone said that in his experience a kennel is something physical dogs can't get out of easily. Travis Wilhelm read the application with dog information to Officer Toone. Officer Toone said he had not seen the dogs. Officer Toone said that he thinks when you have multiple dogs and don't have a structure to place them in you can have issues. He feels that they should have a bare minimum 6 foot chain link fence or a structure with a concrete floor that they cannot dig out of. He feels dogs can jump out of a fence. Officer Toone feels that noise might be an issue. Travis Wilhelm asked if there was a problem with the dog the neighbors said was vicious. Officer Toone said he hadn't seen it but feels the neighbors will be affected by noise and smell and feels things should be in place for dogs so needs are met and neighbors don't feel threatened by dogs or hear noise. Travis Wilhelm asked what his suggestion was to restrict an aggressive dog. Officer Toone said there was not a lot that could be changed but training will help. They thanked Officer Toone and the call ended. Ken Jensen said we cannot regulate the type of dog but he thinks they should have at least a 6 foot fence or an enclosure for dogs. There was a discussion about fences and kennel enclosures. It was discussed that the Hudson's should be made aware of neighbors' concerns about an aggressive dog and they should restrict barking or do something to mitigate the barking. It was decided that a letter should be sent to the owners and let them know of the conditions and dogs will be monitored and they must comply within 60 days. The planning commission will evaluate it again if there are any more neighbor complaints.

Ken Jensen made a motion to approve the dog kennel conditional use permit with the condition they provide a six foot secure solid fence around the backyard or a dog enclosure and do all they can to mitigate the noise. Dale Mohlman seconds the motion and all approve.

4. Review plan for two lot subdivision at 275 West Main by Reid Smith. Reid Smith addressed concerns from the engineering review. Reid explained that the propane tank is being removed and both lots have natural gas in front of the property. He has two secondary water shares, one for each lot. Reid says he has hard top road in front of both lots. Reid feels the public utility easement is not needed because it doesn't apply because public utilities are located on the front of both lots in the right of way. Reid Smith presented the final drawing showing an easement for utilities that run through the property. Travis Wilhelm reviewed the engineer findings. Reid Smith said he understands the nature of a subdivision but this is a simple subdivision and the ordinance says the planning commission may require but does not have to require easements. There was a discussion about the location of the power line for the existing home to sheds that will be on the second lot. Reid explained that there is a separate power meter base for the existing barn running across the property. The geography of the lot was discussed because of the hillside and creek it was discussed that the power line is on the edge of useable land and could not be moved. Jed Woodward discussed that the intent is not have utilities stubbed in to the lots because the utilities are located in street frontage and will be extended when the house is built. Travis Wilhelm agreed that the water area is a slough and not a major ditch and does not need to be fenced. Reid Smith pointed out that the location of the septic tank for the existing house is under the power line easement and goes down the hill. Travis Willhelm said we have addressed all the issues from engineer comments so if the Planning Commission gives approval it will then go to Town Council for final approval.

Ken Jensen made a motion to approve the subdivision as is and Dale Mohlman seconds the motion. All approve.

6. Review plan for two lot subdivision at 475 West 300 South by Doug & DeeDee Anderson. DeeDee Anderson read the specs for roads by county standards. Karla Ferguson researched minutes for Town Council and Planning Commission regarding this property and emailed that to the town council and planning commission for their review. DeeDee discussed the original agreements when the property was subdivided and annexed it was agreed that an easement would be put in for 300 South. At the time the road was required to be gravel with an asphalt access to the highway and apron. As the property owner Terry Griffin agreed but it was not recorded. Jed Woodward discussed the history that UDOT restricted highway access and required paved access and culvert. Jed explained that the subdivision ordinance was put in place after this property was subdivided. Travis Wilhelm explained that because now they are subdividing it is required to have the road paved. Jed Woodward said the town is not in the development business and the new ordinance says the developer needs to put in the hard surface road for a subdivision. Jed Woodward explained that a dead end road needs to have a place large enough for a fire truck to turn around. The requirements for a road were discussed. Jed Woodward said if Terry Griffin is interested in subdividing and developing the property on the south side of the road that he could share the cost of the road. DeeDee Anderson said she has an estimate of \$18,000 to pave the road. Jed Woodward said the town needs to send a letter to Terri Griffin stating the easement needs to be recorded and if not we should look into putting a lien on the property. DeeDee said she feels the expense is too much to develop the property for one lot if Terry Griffin is not willing to share the cost. Jed Woodward explained at the time the property was annexed the shared access to the property was okay but to develop more would require a road. DeeDee asked that if Terry Griffin every comes to the town wanting to subdivided she would be willing to share the cost of developing that road. Travis Wilhelm would like to make a recommendation to have the town attorney send a letter to Terry Griffin about recording the road easement. Kevin Parkinson agreed to attend Town Council in May and give an update. DeeDee Anderson asked what road surface requirements are. Jed Woodward explained that we require hard surface with county specs for hard surface.

5. Foundation requirements. Dale Mohlman reviewed foundation requirements in respect to manufactured homes (10-9-8-14 Utah State Code). Dale Mohlman would still like to look at different Planning Commission Minutes April 2016 Final

code. The definition of a manufactured home was discussed. Requirements for a manufactured home per the manufacturer were discussed. Jed Woodward pointed out that the foundation around the outside wouldn't work because support needs to be under the beams. It was discussed to break into categories such as manufactured home and mobile home. More research is needed.

Travis Wilhelm asked everyone to look at the subdivision code and research other communities' subdivision requirements. He thinks we should have Matt Phillips attend planning commission and tell us what problems exist with the current ordinance.

Meeting adjourned.

Minutes prepared by:

Karla R. Ferguson, Newton Town Clerk

Approval Date