

Approved February 25, 2021

MINUTES OF THE DRAPER CITY PLANNING COMMISSION ELECTRONIC MEETING HELD ON THURSDAY, JANUARY 28, 2021 IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING

ELECTRONICALLY: Chairperson Andrew Adams, Vice Chairman Craig Hawker
Commissioners Kent Player, Gary Ogden, John Van Hoff and Mary Squire, Alternate Commissioners Lisa Fowler, DeLaina Tonks and Tab Bingham

ABSENT:

STAFF PRESENT: Christina Oliver, Brien Maxfield, Todd Draper, Travis Van Ekelburg and Amie Salazar

STAFF PRESENT

ELECTRONICALLY: Mike Barker, Spencer DuShane

The Agenda will be as follows:

6:30 PM Business Meeting

1. Electronic Meeting Notice

- Listen through our website - <https://www.draper.ut.us/95/Agendas-Minutes>
- Email your comments to the project planner listed on the agenda item below by Noon on the day of the meeting. These will become part of the public record.
- If you wish to speak during the Public Comment or Public Hearings portion of the meeting, please send a request for the Zoom Meeting ID to the project planner listed on the agenda item below by noon, on the day of the meeting.

2. WRITTEN DETERMINATION 2021-03 Pursuant to Utah Code Ann. 52-4-207(4)

- A. I, Chair Andrew Adams, do hereby determine conducting an electronic meeting of the Draper City Planning Commission with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Draper City Planning Commission to conduct electronic meetings without an anchor location.
- B. The foregoing determination is based on the following facts:
- Federal, state, and local leaders, including the Draper City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
 - COVID-19 cases and hospitalizations in Draper continue to fluctuate at high levels, both of which pose a risk of overburdening the local health care system and health

care providers.

- It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with state and local health departments health orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents.
- The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.

3. Public Hearing: Siempre at South Mountain Site Plan (Administrative Action)

On the request of Randall Deschamps, representing Siempre LLC, for a Site Plan on the South Mountain Golf Course property that contains the Golf Course Club House for the development of an event center. The property is located at 1247 E Mike Weir Dr. Application SPR-994-2020. Staff contact is Travis Van Ekelenburg, 801-576-6522, travis.vanekelenburg@draper.ut.us.

Mr. Van Ekelenburg stated that the property was 8.99 acres, and 2.13 acres would be used for proposed center. In 1990's the golf course was developed, and Salt Lake County partnered with Siempre, LLC to develop an event center next to the course. Salt Lake County approved a 45-year ground lease for the event center. The land use is neighborhood commercial. The designated area was C2 and RM split Zoning.

The property is located in the South Mountain jurisdiction and is not under the current Draper City Municipal Code but is reviewed under the 1990 Draper City Municipal Code. Parking will be on-site only with no parking allowed on Mike Weir Drive. The Landscape Plan shows they will add trees around the gazebo to help mitigate noise and light from events in the daytime and the evening. With 15% landscaping required, is the Landscape Plan shows 8.8% manicured landscaping and 60.8% in native landscape. The height for the building is at about 30 feet similar to the golf course clubhouse. The East gazebo is 18 feet wide and about 23 feet tall. The gazebo/patio area on the west side has a 14-foot structure. The lighting will be mostly downward facing. There will have foot lighting, wall pack lighting, 43-inch shielded pole lights, and landscaping illumination. Lights will be off when the facility is closed. The center will operate 7 AM to 11PM.

There was a video shown which showed the new event center from different renderings. He asked staff if there were any questions at the end of the video.

Ms. Squire asked about deviation requests.

Mr. Van Ekelenburg noted there were not the same deviations as in the current plan due to the 1990 requirements.

Ms. Squire asked clarification that the event center is totally compliant with the 1990's code.

Mr. Van Ekelenburg stated that yes, they were.

Paxton Guymon the applicant reminded them that for the development agreement approval, they had already been to the City Council for last week and they approved it. They were there for site plan approval. This event center is a public/County partnership. They have gone to efforts to be in compliance with the County. The Gazebo has to be on the Eastside, it is necessary because they can not develop on the West side due to the soil.

The location of the center East and West is not higher than the natural landscape and does not block any addition views. The sound ordinances will be respected by the center. The activities are usually only part of the year not in the winter and main events will be mainly inside. He noted he was excited about the project and was there to answer questions.

Mr. Player asked how Salt Lake County would benefit financially from this project.

Mr. Player noted that every year they make a ground lease payment to the County, they are required to enhance the exterior of the clubhouse, landscaping and parking is on their dime, the clubhouse as is currently not adequate. Under the ground lease, one of the levels is always available for the County for golfing events and this will increase its usability.

Chair Adams noted that there has been no place to meet in Draper after golf events in the past.

Chairman Adams opened the public hearing.

Shannon Sandberg stated she had lived there for 14 years and loves the neighborhood. Three weeks ago, she was informed of the event center, the gazebo, and the retaining wall 100 feet from her home. The fact that it was going to be large enough to host two weddings at once, she and her neighbors, were devastated by this. Her greatest concern is noise because she is able to perfectly hear conversations from the golf course parking lot and 18th hole. She felt discouraged by the 110 to 150 times a year there could be outside events and felt the trees were an inadequate sound buffer. She stated that they told her they could have their first wedding there for free. She felt that was said because they know the center was a hinderance. She asked if someone proposed this to them in their neighborhood would they personally want their calm nights turned into a loud party. She noted the wind they have on that location is not conducive for weddings.

Donna Armstrong thanked them. Then she noted that many sent emails with concerns. She stated after 15 years living there that the center proposed was unfair. They had been told that that land would never be built on and that their view would be hindered, and the wildlife preserved area by their home was going to heavily impacted. She felt that a developer with deep pockets has unfairly come in to change what they had expected to be long term. They enjoy sitting on the deck and the gazebo will now interrupt their view

and might cause them to feel they need to leave the neighborhood. She stated they need their consideration for their concerns.

Marvin Armstrong stated he agreed with his neighbors. He asked what they can do to work together to address their concerns. He noted that they traveled to places where there were gazebos and he asked why a Gazebo of that size was necessary. He asked if the Planning Commission would consider the plans with conditions and that the center can be built but with the gazebo on the East eliminated or made to be less of an impact on environment and size. He would like the habitat on the Eastside to be untouched. This compromise would be fair to both party's and he pleaded they please accept these conditions.

Jim Phillips stated he was in the Air Force for 30 years found Draper is very quiet and nice place. He felt that the neighborhood was changing from what they had wanted when they retired one thing was the view. He agreed with Marv Armstrong.

Donna Phillips stated that her concern was about wildlife in the area. She noted that the noise was something she was concerned with, too. She noted that this had been a natural run for animals, and they will not be able to do that anymore and they will lose their views.

Chairman Adams closed the public hearing.

Paxton Guymon stated he has perspective to the concerns. He stated that they are not aware of the events that have already been being hosted there. That the other event center is closer to the event center and there are no complaints. He noted that they were weddings and not concerts. The West side has a historic landslide and the soil testing showed it would not pass safety standards. They can not have the gazebo on the West side and the gazebo is used by only those who use the walk out. He stated it would make no sense to make people walk back and forth across the parking lot to access the gazebo on the west side. The total acres of the ravine is 3 acres the gazebo area is .013 acres less than 5% of the total ravine acreage. The conservation easement was decreed where development would not be allowed, and they have fit the center in any of that area and is placed only on the developable land.

Chairman Adams asked for input from the Commissioners.

Commissioner Hawker stated that he was coming from a Planning Commission perspective. He asked if staff could cover what the County can do with this. He stated that the developer should have never said what was said about the land not being developed on. He stated that they needed to know that this was in place before they bought their lots. He stated he had empathy for anyone whose view would be obstructed and for any sound. He noted they would be good neighbors to those surrounding and respect the sound ordinance. He stated that he is in favor of the site plan.

Commissioner Squire agreed with Mr. Hawker. She noted that the confusion may have been the conservation easement and the homes. She noted nothing was out of the zoning. She asked Mr. Barker to clarify conditions on a site plan.

Mr. Barker stated that they cannot have conditions on a site plan typically. He stated he cannot think of any standards that are conditioned in their own code.

Mr. Van Ekelenburg stated no not off hand and the 1990 code is not as detailed and there is a lot of leeway for developers.

Christina Oliver stated that many people have raised hands again. For those who have been raising hands, the time has passed for public comment. She contemplated the allowance on conditional uses.

Commissioner Squire stated that there was possibly a condition with the location of the gazebo.

Mr. Barker read code and noted that the condition can only apply to the code. Concluding that the gazebo was not out of compliance of the 1990 code and therefore a condition could not be used in this case.

Motion re: Commissioner Hawker made a motion to approve the Site Plan on the South Mountain Golf Course property that contains the Golf Course Club House for the development of an event center. The property is located at 1247 E Mike Weir Dr. Application SPR-994-2020, based on findings of staff report and Commissioner Player seconded the motion

Vote: A roll call vote was taken with Commissioners voting unanimously against the motion. This item passed with a 5 to 0 vote.

4. Public Hearing: City Initiated Chickens for Familial Gain Text Amendment (Legislative Action)

On the request of Draper City for a Text Amendment to amend Sections 9-3-040, 9-9-080, 9-10-090 and 9-27-055 of Draper City Municipal Code. This application is known as the City Initiated Chickens for Familial Gain Text Amendment. Application: TEXTMAP-1125-2020. Staff contact: Todd Draper, (801) 576-6335, todd.draper@draper.ut.us.

Todd Draper stated this comes by concerns of residents regarding the current ordinance and the maximum number of six chickens. The proposed ordinances are intended to respect the historical ties to the City and the raising and keeping of chickens. Staff had reviewed 16 nearby city ordinances and that of Salt Lake County. There is a wide range between the jurisdictions, from 2-250 chickens allowed. He showed charts with the number of chickens allowed by some surrounding cities. Some cities show a range, with increases based on lot size.

The current ordinance 9-27-055 allows a maximum of six chickens, permitted in all residential zones, for familial gain only, no sale or income from keeping chickens, only in conjunction with a detached single-family dwelling, no roosters are permitted and includes setbacks and sanitary standards for pens, coops and run areas.

They are proposing a reduction to 5 chickens for smaller lots, allowing an increase of one chicken for each additional 2000 square feet in properties above 10,000 square feet. Proposal is for a maximum limit of twenty chickens. A new regulation allowing chicks and juvenile chickens equal to 40% of the allotment of chickens is proposed. He listed the specific zones where keeping chickens would be allowed (RA1, RA2, RH, R3, R4, R5, A5 and A2). He showed a slide that analyzed how many chickens could be allowed on the minimum lot size for each zone and the approximated number of eggs can be produced on different lot sizes. He showed a map of where the RM1 and RM2 zoning was located.

The proposed text amendments were:

9-3-040 Definitions-

Animal Specialties: Add the word “commercial” to the definition

Add, “Keeping of chickens for familial gain: The keeping of chickens on a lot for the exclusive use by persons residing thereon”.

He proposed the update for land use tables as a permitted use and the residential zone.

Corrections were also applied to “animals and fowl for recreation and family food production” in the land use tables for residential and commercial zones. The proposed text strikes the conditional use aspects with the sentence starting “Any property of residential that cannot maintain any or all of the standards...regarding the keeping of animals on property as constituted in this code”. The proposed text also strikes “all residential” and “agricultural” and add specific zones “RA1, RA2, RH, R3, R4, R5, A5 and A2”. The larger change was the reduction to 5 chickens and the addition of the 1 chicken per 2,000 square feet on lots of 10,000 square feet and larger, and regulations for chicks or juvenile chickens. There was an addition on number 14 to clarify that dead birds and discarded or rotting eggs needed to be removed “from all enclosures, pens, coops and run areas”, within 24 hours. There were no changes in section D.

He noted that Commissioner Hawker had questions about how the number of 20 was arrived at.

Todd Draper noted that this number applied to free range chickens. With considerations to the numbers including setbacks and property size. They felt it was appropriate to set the number at 20.

Commissioner Hawker inquired about the 40% allotment. He explained a scenario where he has 10 chickens and 2 die, and he gets 4 more and none die and now he has 14. He asked when does the chick allotment stop and how long do you have before you have to get rid of one. Sometimes they all live and sometimes, some die.

Todd Draper stated that the idea is that at 6 months they need to reduce down to the number permitted for lot size. He stated they did consider that some may die as discussed above.

Commissioner Hawker asked who was bringing this on.

Todd Draper stated that this was because emails that have come in by residents. Some were complaints that the number was low at 6.

Chairman Adams opened the public hearing.

Alisha Jensen stated that she moved there five years ago. They keep chickens for eggs and poultry. She stated that because they were let go from their job and because of COVID-19 complications, the Chickens are perfect for emergency situations. For five months they relied on their chickens while her husband did not have job. She is in favor of the text amendment.

It was noted that Alisha Jensen was one of the original citizens who contacted Council about this change.

Chairman Adams closed the public hearing.

Commissioner Hawker stated that he felt the amendment did not go far enough and they can do more as far considering some of the lot sizes they have in the City. He was in favor of adding more chickens as long as people were humane and there were no added nuisances. He is in favor but would like to see more chickens. He noted if you do not have chickens you need to get some.

Chairman Adams stated he thinks that is great.

Commissioner Player noted he grew up around chickens and he noted that the chickens seem to be looked at as mechanical objects here in the code, but his point was, they are living things and variables can change. That we need to look at the numbers as guidelines because they are living critters.

Commissioner Hawker noted that everyone he knows who have these are good citizens and these coups are built up to \$10,000 dollars in cost. There will always be people who have more than this allowance but hated that the rule was there and that the once crazy neighbor who count neighbors' chickens to turn them in but hopefully the City will say whatever. Most people are good people and take good care of them.

Motion re: Commissioner Player made a motion to send a positive recommendation to City Council for the Text Amendment to amend Sections 9-3-040, 9-9-080, 9-10-090 and 9-27-055 of Draper City Municipal Code. This application is known as the City Initiated Chickens for Familial Gain Text Amendment. Application: TEXTMAP-1125-2020. based on findings of staff report and Commissioner Squire seconded the motion

Vote: A roll call vote was taken with Commissioners voting unanimously against the motion. This item passed with a 5 to 0 vote.

10. The meeting adjourned at 7:50 pm