Ferron City Planning Commission Meeting Agenda 05-04-2021
Commission Room – Ferron City Hall
20 East Main Street, Ferron Utah
Phone - (435) 384-2350 Fax - (435) 384-2557 Web - ferroncity.org

Notice is hereby given that the Planning Commission of Ferron City, Emery County, Utah, will hold the regular and electronic Commission Meeting on Tuesday May 4, 2021 commencing at 7:00 p.m. at the City Hall.

1. CALL TO ORDER

2. APPROVAL OF MINUTES DATED APRIL 6, 2021

GENERAL BUSINESS/DISCUSSION ITEMS

3. DISCUSSION OF HOME OCCUPATIONS & COMMERCIAL ZONING

4. WORK/REVIEW SESSION

   Zoning
   Curb & Gutter Master Plan

5. ADJOURNMENT

The public is invited to attend all Planning Commission Meetings and Work Sessions. In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify City Recorder, Brittany Yeates, at (435)384-2350 at least 24 hours prior to the meeting.

I, the undersigned duly appointed Recorder of Ferron City, hereby certify that the foregoing notice of agenda was posted at the Ferron City Hall, Ferron Post Office, on the internet at www.ferroncity.org and the Public Notice Website, sent to the ETV News and provided to each member of the Planning Commission on this 3RD day of May, 2021.

Brittany Yeates
Ferron City Recorder

Ferron City Planning Commission Meeting Minutes 04-06-2021
Commission Room – Ferron City Hall
20 East Main Street, Ferron Utah
Phone - (435) 384-2350 Fax - (435) 384-2557 Web - ferroncity.org

Present:

Commission Chair Liz Nielson
Commissioner Stephanie Howes
Commissioner Russ Oakeson (by phone)

Also Present:

Brittany Yeates, Recorder
Brad Benson
Robert Burke

1. CALL TO ORDER

Chair Nielson welcomed everyone and opened the meeting at 7:03 PM. Roll Call showed Commissioners Nielson and S. Howes were present. Commissioner Oakeson participated by phone.

2. APPROVAL OF MINUTES DATED MARCH 2, 2021

Commissioner Oakeson moved to approve the minutes from March 2nd. The motion was seconded by Commissioner S. Howes. Motion carried.

GENERAL BUSINESS/DISCUSSION ITEMS

3. BUSINESS LICENSE

TRAYNE ENTERPRISES LLC – WAYNE URIE

POPZ REPAIR SHOP – BRANCH LOCATION – KELLY HOWES

Neither applicant was in attendance. Approval was tabled until inspections could be made.

4. ZONING CLEARANCE

GARAGE – 420 E MOLEN RD - GARRETT HANSEN

Commissioner S. Howes moved to accept the zoning clearance for Garrett Hansen. Commissioner Oakeson seconded the motion. Motion carried.

ELECTRIC CAR CHARGERS – BIG MOUNTAIN

The chargers will be located on the back side of the fuel containment wall. Rivian is the company paying for and installing them. The power will be run underground. These will work for any kind of electric vehicle.

Commissioner S. Howes moved to approve the zoning clearance for the electrical car chargers. The motion was seconded by Commissioner Oakeson. Motion carried.

CABINS – ABOUT 60 E MAIN – BIG MOUNTAIN

Big Mountain purchased property east of City Hall and across from their current place of business. They plan to put 22 cabins on that lot to expand their business. Commissioner

Nielson asked about the measurement of their lane to be sure emergency vehicles would have access. (See drawing in agenda packet for measurements) Planning on doing the surface with rotomill to keep the dust down. He is working with the Special Service District to see where the sewer line will be going in. Commissioner Nielson said the setbacks look good. She then informed him that he will need to submit one share of water (or purchase an index fee) for every five cabins and secondary is not required. Where this is a commercial property, they will need to install the bigger sizes for water and sewer connections. The Recorder also informed him that where it is on a different property, it will need to have its own business license as a branch.

Commissioner Oakeson moved to accept the Big Mountain expansion with the understanding of needing one share of water for every five cabins and appropriate hard surfacing. The motion was seconded by Commissioner S. Howes. Motion carried.

GARAGE – 70 S 200 W - ROBERT & LINDA BURKE

The Burkes are planning on putting in a 24' X 26' garage. Commissioner agreed that there is plenty of room especially with him planning to remove a couple of trees. It will not have any power to it.

Motion to accept the building clearance for Mr. Burke was made by Commissioner Oakeson. Commissioner S. Howes seconded the motion. Motion carried.

5. DISCUSSION OF FERRON ELEMENTARY FENCE

Ferron Elementary is being rebuilt. Currently, on the South and the West ends, there is a gap between the fence and the sidewalk. On the North and the East end, the fence is flush with the sidewalk. The school is asking if they could make all the fences flush so it would be easier to maintain. They will also be allowed to do 6' fence everywhere except within 30' from the corners. Kerry Lake said that they understand that if the City ever needs to do maintenance within the easement space, they will be responsible for replacing the fence.

Recorder brought up another citizen who requested if he could put a fence up to the sidewalk. The Commissioners agreed it would be okay as long as they understand that they are responsible for the fence if the City needs to access the easement.

6. WORK/REVIEW SESSION

Zoning

Home Occupation business licenses

The Recorder reminded everyone of past discussions about home occupations and the fees. It was found that every business needs to be licensed. Those businesses that have no impact on the area can claim a fee exemption. She then said that some of the fees need to be raised because the cost of fire inspections has increased by $3. It was agreed to recommend to the Council to charge $10 for the fee exempt businesses to have a printed license and increase the regular licenses that need fire inspections to $35.

Curb & Gutter Master Plan

Commissioner Oakeson needed to leave early so the zoning and curb & gutter master plan discussions were tabled.

7. ADJOURNMENT

Commissioner S. Howes motioned to adjourn at 7:46 P.M. Commissioner Oakeson seconded the motion. Motion carried.

ATTEST:

_____
Commission Chair Liz Nielson

_____
Brittany Yeates
Ferron City Recorder

CHAPTER 9

HOME OCCUPATIONS

SECTION:

3-9-1: Definition

3-9-1: DEFINITION:

"Home occupation" is an occupation of a person or family where they reside and which occupation is clearly incidental and secondary to the use of the structure for dwelling and residential purposes, and does not change the residential character of the dwelling or neighborhood, and in connection with which there is no display and/or stock of merchandise. The home occupation shall not involve the use of any accessory building, either attached or detached, which substantially changes the character of the dwelling or of the neighborhood. The planning commission's review of an application in arriving at the affirmative findings to meet the above requirements shall also include the following standards:

A. The home occupation shall not employ any person who is not a member of the immediate family residing in the home.

B. No unusual traffic (delivery trucks, commercial vehicles, heavy equipment, etc.) shall be permitted either on or off site which are not customarily observed in residential use.

C. No parking except for customary automobiles and other traditional residential vehicles including vans and pickups.

D. Unusual waste, or amounts, residential or otherwise may not be generated.

E. Nonresidential dust, odors, noise, and other contamination may not be generated.

F. Home occupied businesses shall obtain all applicable local, state, and federal business/occupational licensing and permitting.

G. Home occupations must follow all regulations as provided in section 10-8-2 of this code. (Ord. 2009-1, 6-25-2009)

10-8-2: HOME OCCUPATIONS:
The Board of Adjustment may grant a permit for home occupation, subject to the following conditions:

A. Permitted In Zone: Home occupations are permitted in the zone.

B. Within Dwelling: The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.

C. Accessory Buildings Not Used: The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.

D. Commercial Vehicles: No commercial vehicles are used, except one delivery truck which does not exceed three-fourths ($^3/_4$) ton rated capacity.

E. Incidental Use: The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

F. Signs: Signs are limited to one nonflashing sign not larger in area than two hundred twenty six (226) square inches. If lighted, the light shall be diffused or shielded.

G. Devoted Floor Area: Not more than the equivalent of twenty five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.

H. Business License: The home occupation shall be registered with the license division or department.

I. Entrance: Entrance to the home occupation from outside shall be the same entrance normally used by the residing family, except when required otherwise by regulation of the State Health Department or other public agency.

J. Physical Appearance: In the opinion of the Board of Adjustment, the physical appearance, traffic and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the home occupation is located and does not depreciate surrounding residential values. (Ord. 4-8-86, 4-8-1986)

Ordinance 2020-5

AN ORDINANCE ALLOWING HOME OCCUPATIONS TO USE

ACCESSORY BUILDINGS

WHEREAS, The Governing Body of Ferron City has become aware of a discrepancy between current code and business practices; and

WHEREAS, Ferron City's current code states "The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling; and

WHEREAS, Ferron City has multiple home businesses that are almost exclusively run out of accessory buildings; and

WHEREAS, Ferron City does not wish to prohibit this responsible use of accessory buildings; and

WHEREAS, Ferron City needs to update Title 10 Chapter 8 to address this;

NOW, THEREFORE, BE IT ORDAINED that the Ferron City Municipal Code Title 10 Chapter 8 Section 2 be amended to read as follows;

10-8-2: **HOME OCCUPATIONS:** The Planning Commission may grant a permit for home occupation, subject to the following conditions:

Permitted In Zone: Home occupations are permitted in the zone.

Within Dwelling: The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family.

Accessory Buildings: The home occupation can involve the use of any accessory building as long as that building is inspected for safety and hazards.

Commercial Vehicles: No commercial vehicles are used, except one delivery truck which does not exceed three-fourths (3/4) ton rated capacity.

Incidental Use: The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

Signs: Signs are limited to one nonflashing sign not larger in area than two hundred twenty-six (226) square inches. If lighted, the light shall be diffused or shielded.

Business License: The home occupation shall be registered with the license division or department.

Physical Appearance: In the opinion of the Planning Commission, the physical appearance, traffic, and other activities in connection with characteristics of the zone in which the home occupation is located and does not depreciate surrounding residential values.

PASSED AND ADOPTED by a duly constituted quorum of the Ferron City Council this 12th day of November 2020.

IN WITNESS THEREOF:

ATTEST:

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Mayor Adele Justice