

Town of Portage Planning and Zoning Meeting Minutes
From Wednesday April 5, 2023
Portage Town Hall
25880 N 9000 W Portage, UT 84331

Attendance: Norma Lasa, Lisa Bingham, Ed Rogers, Richard Poppe, Richard Beck, and Jennifer Smith.

Absent: Chelsie Nelson.

Visiting: Martina John, Terra Bell, and Max Huggins.

Call to Order: Chairman Poppe @ 6:00 PM.

Opening Ceremony:

Prayer: Member Smith

Pledge of Allegiance: Member Bingham

1. Approve March 1, 2023 Planning & Zoning minutes.

- 1.1 Member Lasa pointed out several misspellings and grammatical errors and suggested rewording a couple sentences to improve clarity.

Motion by Member Rogers: I will make the motion to approve the minutes for March 1, 2023 (with the corrections). Seconded by Member Smith. All aye. Motion carries.

2. Public comments limited to five minutes per agenda topic.

- 2.1 No comments.

3. Discussion and possible vote on Ordinance 110.

- 3.1 Member Lasa pointed out misspellings and grammatical errors in the document.
- 3.2 Discussion about paragraph in 110.2 requiring regular members of Planning Commission to give 48-hour notice to alternate members when unable to attend a meeting. Member Lasa stated this is not always realistic due to sickness or other unforeseeable circumstances. Member Poppe pointed out there is no penalty for failing to give 48-hour notice, so the requirement just gives an ideal to follow whenever possible.
- 3.3 Discussion about the same paragraph in 110.2 requiring alternate members to attend one meeting after being appointed and thereafter only by request. Member Lasa thought that alternates should attend as many meetings as possible; minutes alone are not enough to understand what is going on. Member Rogers expressed concern about reducing the pool of candidates for alternate members by imposing too many requirements and time commitments. He would prefer a recommendation over a requirement. Member Bingham

stated she would not be comfortable with an alternate filling in for her if that person had not attended recent meetings to learn what was going on. She agreed a recommendation for frequent attendance is important.

- 3.4 Discussion about paragraph in 110.4.1 about the Zoning Administrator. There was discussion about whether the Zoning Administrator referred to the Planning Commission chairman, the Town Council member over planning and zoning, or the entire Planning Commission itself. Ordinance 103.1 defines the Zoning Administrator as "the Planning and Zoning Commission as a whole." Member Lasa suggested that the paragraph in 110.4.1 be removed due to irrelevance.
- 3.5 Discussion about paragraph in 110.4.1 about conducting meetings. Member Rogers proposed that meetings be immediately adjourned in cases of unresolved disorderly conduct. Member Beck expressed concern about giving people the ability to end meetings early by being unruly. Member Poppe expressed concern about missing any important topics further down on the agenda due to ending meetings early. He recommended calling the sheriff and continuing the meeting in such cases.

Motion by Member Beck regarding meeting attendance by alternate members. I make a motion to add the sentence "Regular attendance is strongly recommended." in the first full paragraph on the third page of Ordinance 110. Seconded by Member Rogers. All aye. Motion carries.

- 3.6 Further discussion about Zoning Administrator. Member Poppe suggested that the phrase "Zoning Administrator" be changed to "chairperson." Mayor Huggins suggested that the paragraph was intended to refer to the Town Council member over planning and zoning and recommended changing the phrase "Zoning Administrator" to "Town Council member over planning and zoning" instead.
- 3.7 Discussion about 110.5 regarding ability of Town Council to overrule disapproval of cases brought before the Planning and Zoning Commission. Member Bingham stated that decisions made by the Planning Commission to approve or disapprove are based on existing laws and ordinances. If the Town Council were to overrule such decisions then ordinances would be violated. Member Poppe suggested that if the Planning Commission made a mistake, the Town Council should be able to correct it. Member Beck believed the Town Council should have the final say in cases of interpretation of ordinances. The Planning Commission is appointed, but the Town Council is elected and has more authority. Member Bingham felt additional verbiage needs to be added to make it clear that the Town Council can only overrule Planning Commission decisions if the final decision remains in the limits of existing ordinances.
- 3.8 Discussion about how to proceed with revision of Ordinance 110. Member Rogers stated that there were many changes he did not recognize, and he would like more time to review. Member Bingham stated that the proposed and existing ordinances do not line up in many instances. Martina John offered to make the changes already discussed and format the proposed and existing Ordinances 110 with appropriate strikethroughs, etc.

Motion by Member Beck: I would like to make a motion to table this topic until next month with the understanding that we will study changes and discuss them then. Seconded by Member Rogers. All aye. Motion carries.

4. Ordinance 107: Apiary, Aviary, and Dog/Kennel needs to be sent to Town Council for approval.

- 4.1 Member Rogers: "I would like to formally request Terra to submit 107 Apiary, Aviary, Dog/Kennel to the Town Council for their consideration." Terra agreed if the document is provided to her. Member Poppe agreed to send her a copy.

5. Discussion and possible vote on ordinance proposal by Member Lasa: Building setback requirements along 25800 N and 8800 W.

- 5.1 Member Lasa summarized her proposal to increase setbacks along these roads from 30 feet to 50 feet. Member Poppe expressed concern about doing something unnecessary that would also cost people money. Member Beck wanted to know how the right of way and property lines worked together and if Portage had designated legal right of way specifications for these roads or just the guidelines from the General Plan. Member Bingham stated that the property line should be 33 feet from the center of the road, so with a 30 foot setback buildings could be no closer than 63 feet to the center of the road. Member Poppe stated that other cities he researched had setbacks along arterial roads ranging from 30 to 50 feet.
- 5.2 Member Rogers brought up other potential issues with erosion and water recovery along these roads and suggested folding this discussion into the upcoming General Plan revision. That way all the issues could be addressed at once. Member Poppe agreed this is a General Plan issue.

Motion by Member Rogers: I would like to make a motion to fold Norma Lasa's plan for 50 foot setbacks into discussion for the 2024 General Plan because that's where it belongs. Seconded by Member Smith. Members Rogers, Smith, Lasa, and Bingham in favor. Member Beck opposed. Motion carries.

6. Public comments limited to five minutes per non-agenda topic.

- 6.1 Member Poppe presented a letter from the entity servicing the cell tower on the north side of town expressing desires to make some on-site changes with an antenna and generator. Member Poppe does not believe a permit is required for their work scope. Mayor Huggins stated he was in contact with them as well and confirmed we have no regulations for them. They just need to contact the county.

7. Standing agenda item: Discuss and vote on codes/ordinances: Table of Contents, Terms, Index, and Sections 101-119. Remove outdated or inapplicable ordinances.

7.1 No discussion.

Adjourn

Motion by Member Rogers. I would like to make a motion to adjourn. Seconded by Member Beck. All aye. Motion carries. Meeting adjourned.

Minutes by Secretary Richard Beck.