

**SUNSET CITY CORPORATION
PLANNING COMMISSION MINUTES
March 21, 2013
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Minutes of a regular Planning Commission meeting held **March 21, 2013** at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Chair Stevenson presiding:

Planning Commission Members Present:

Scott Stevenson	Chair
Jonathan Ellsworth	Commissioner
Brian Parker	Commissioner

Employees and Officials Present:

Jake Peterson	Council Member
Linda Youngdell	Treasurer/Office Manager

Excused:

Brad Weller	Commissioner
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Absent:

Jason Gabbert	Commissioner
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Chair Stevenson opened the meeting at 6:30 p.m., welcoming everyone in attendance.

Minutes: Commissioner Parker made a motion to approve the minutes of October 18, 2012 as written. Commissioner Ellsworth seconded the motion. The motion passed unanimously.

WORK MEETING

1. Architectural and Landscape standards for the General Plan:

Chair Stevenson reviewed the email sent from Commissioner Ellsworth in regards to items that they could possibly focus on this year. Those suggestions included: 1. Propose District or Neighborhood boundaries, dividing Sunset into four separate districts. 2. Transportation Planning- ideas to enhance transportation. 3. Identify main redevelopment areas and propose vision for 1800 North project and interchange, as well as developing architecture and landscaping for the general plan. The City Council would like the Planning Commission to focus first on the architecture and landscaping part of the general plan. There will be a work meeting on April 18, 2013 with the City Council to get some of their ideas. Chair Stevenson turned the time over to Commissioner Ellsworth to go over what he is thinking in regards to architecture and landscaping. He advised that in the General Plan there was an agreed upon style of Georgian design. Commissioner Ellsworth would like them to do some research on their own time and come back with some ideas as to what guidelines they could give residents in regards to what Georgian Design would be. Commissioner Ellsworth would like to keep it pretty general so that residents would not feel constrained by the standards. Chair Stevenson would like it to be more detailed in the aesthetics, setbacks and trees. Chair

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Stevenson inquired whether or not the Georgian style applied to the commercial businesses also. Treasurer/ Office Manager Youngdell advised that the reason they had chosen to go with the Georgian style was because that is the look of the City Building. Commissioner Ellsworth feels that it might be worth revisiting and possibly strike the use of Georgian style and replace it with a more general guideline. There was a discussion over the City Ordinance that states how much green space and trees there should be. Commissioner Ellsworth advised that he had done some research and found that there are some plans out there that tell what kind of trees are good for this climate and the best way to plant a tree. Treasurer/ Office Manager Youngdell advised that the City does have a list of trees. Commissioner Ellsworth would like to be able to provide an outline to encourage good aesthetic landscaping. Chair Stevenson likes the idea of bringing in the list that the City already has to the General Plan, including setbacks to the utilities. Commissioner Ellsworth would also like to include drawings of the utilities setback plan in the General Plan. It was discussed that maybe Public Works could take some pictures of utilities to use as examples. It was also discussed that each individual would focus on something. Chair Stevenson will focus on architectural, Commissioner Ellsworth will focus on landscaping, Treasurer/ Office Manager Youngdell will scan the tree list, setback map and ordinances that refer to setbacks & yard requirements and Commissioner Brian Parker will help out with both architecture and landscaping. There will be a review and then the Commission will make recommendations to the City Council. There will be a planning conference in Logan this spring.

2. Land Use and Property Rights webinar sponsored by Utah Local Governments Trust:

The webinar is recorded and can be viewed at a later time. The webinar was facilitated by Jason Waterson with ULGT. Presenters for this webinar include Brent Bateman, Jim Wright and Elliott Lawrence from the Utah Property Rights Ombudsman. The next webinar will be held on May 16, 2013 and that will cover safety programs. Property rights / property ownership: When you own land, you have certain rights to that land. You have the right to: a) occupy the property, b) right to exclude others, c) right to choose how someone uses your property, d) right to alienate/ convey. One of the issues that happen is that some of those rights conflict with other people's rights. Everyone has the right to enjoy their property, but the neighbors may not like that. LUDMA. Land Use Development & Management Act, is the law that that authorizes local government to regulate land uses. It sets forth basic principles and minimum requirements to protect property rights and public rights. Property owners under LUDMA can do what they want with their land, however local government can create regulations and pass them into an ordinance that the people then have to follow. The property owner is only limited by the ordinances that have been put in place. Local government must follow the law. If they break the ordinance, they are breaking the law. It's important to keep the balance or you will have violated someone's property rights. Zoning restrictions increases property values by creating order in society. LUDMA was carefully crafted to protect property rights; crafted in a way where property owners can do what they want, but the city can regulate the land. The City has a limit in how they can regulate. When the government puts regulations on land that are too restrictive, it is seen as having taken someone's land. If the government does that then it has to pay for it. Too many rules are

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recognized as taking the property. The legal standard is “While property may be regulated, if the regulation goes too far it will be considered a taking”. When regulating property the question to be considered is “Is it going too far?” Government may prohibit use to the point where they might as well own it. Administrative vs. Legislative decisions: Every decision is treated differently. Legislative decision is one that makes law, only the City or City Council has the authority to make a legislative decision. Administrative decision is one that applies the law. Generally any decision that you make that applies to one person is an administrative decision. An administrative decision needs to be made on evidence.

Commissioner Ellsworth made a motion to adjourn. Chair Stevenson seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:05 p.m.

These minutes have been read and approved at the Planning Commission meeting held April 18, 2013.

Scott Stevenson, Chair

Linda J. Youngdell, Treasurer/Office Mgr.