

Francis City Planning Commission Meeting

Thursday October 24, 2019 at 7:00pm

2319 S. Spring Hollow Road

Francis UT. 84036

Present: Chair Morgan Cox, Commissioner Collette Madsen, Commissioner Kim Atkinson, Commissioner Natalie Atkinson, Planner Mandy Crittenden, Engineer Scott Kettle

Excused: Co-Chair Brian Henneuse, Planning Secretary Susan Moses

Other Present: Jane Wilford, Renee Atkinson, Mike Leavitt, Betsy Leavitt, Terry Thompson, Leslie Hart Canfield, Julie Hart

Call Meeting to Order

Chair Cox called meeting to order at 7:01 pm and welcomed two new Planning Commissioners Natalie Atkinson and Kim Atkinson

Public Hearing

Mike and Betsy Leavitt Conditional Use Permit for a Contractors Storage Yard.

Opened to Public

Chair Cox read a letter from Shauna Bushman (see attachment)

Closed to Public

Mike Leavitt commented they are proposing to put in a construction yard, they own an excavation company, we are going to park our equipment there when we are not using it. Typically, it is two months a year when we are not using our equipment. We have three trucks we will park there. Leavitt stated they follow the EPA regulations as far as fuel storage, oil containment, smoke, noise, dust.

Commissioner N. Atkinson asked currently you are parked on 240 by Wellers. Mike Leavitt answered no, that is not us. Commissioner N. Atkinson commented she assumes it will be a similarity parking situation, you are just looking for land to park your vehicles. Mike Leavitt answered yes.

Commissioner Madsen asked are the vehicles only stored there or are they stored there every night. Mike Leavitt answered they will be coming in nightly.

Commissioner Madsen asked if maintenance will be done there. Mike Leavitt answered small maintenance will be done there, added their equipment is pretty large and if it breaks down a mechanic goes to that location.

Commissioner N. Atkinson asked will you be bringing in vehicles late at night or during business hours up until 6 or 7 o'clock. Mike Leavitt answered during business hours, our work pick-ups don't go to the shop at night the guys take them home. It is a matter of a couple of dump trucks going in every night and leaving.

Commissioner Madsen asked what materials would be use on the perimeter fence. Commented that is probable the nicest entry corridor, it would be good to keep it that way. Mike Leavitt answered it will probably be nicer on the roadside, not sure exactly what, and the other three sides would be chain-link with colored slates. A security fence to keep people out.

Commissioner Madsen commented we have had a concern about lighting. Asked about the light. Chair Cox stated currently the lighting ordinance has not passed the City Council.

Planner Crittenden stated next month it is on the City Council agenda and they will have an answer. Crittenden reminded this is an allowed use, and it is contingent on the conditions we put on it. Crittenden stated her recommendation is we put the condition on that they abide by the lighting ordinance when it is in place.

Commissioner N. Atkinson commented it was her opinion that parcel is messier than it needs to be currently and perhaps they can improve the condition of that property as far as its appearance and so forth. Asked if they would be cleaning that up and removing those items that are currently all over the place. Mike Leavitt answered they want to clean it up and would like to keep the front fence nice, and the sign because that represents the company.

Chair Cox commented that in their packet there is a letter from Mike and Betsy Leavitt explain what they plan on doing. (in staff report)

Commissioner Madsen commented as far as the noise impact, someone would not be there all day, basically it would be trucks going out in the morning and coming back in, in the evening. Mike Leavitt answered yes, we are not an open for business type of business, it's not a come when you want anybody. For the most

part, except when we are there it will be locked, we don't have equipment that needs to run around.

Commissioner Madsen commented there is the existing building and you are planning on building an additional building, asked if most materials are going to be stored in those buildings. Mike Leavitt answered yes.

Commissioner Madsen asked if there would be razer wire on top of the fence. Mike Leavitt answered he would like to have the fence with 3 barbs, to keep kids and thefts out. Does not want it to be a prison fence but would like a security fence.

Chair, Cox stated what we need to figure out today is the conditions we need to put on and sent to the City Council. Cox commented a few concerns are lighting, hours of operation, and signage.

Commissioner Madsen added the material used on the frontage of the fence should be something that the Planning Commission and City Council approves. Concerned about the aesthetics from the street.

Chair Cox commented he does not see any issue with this, he understands some concerns with view obstruction or maybe distracting from the pristineness of the City, but I grew up here and that logging yard has been there my entire life and it has never distracted me. Cox stated he does not have a problem with it, it is allowed in the zoning it is in. You can have construction storage in the AG-1 zoning, he is not running operations out of there or sell materials. Does not think it will affect any one more then it has in the past.

Chair Cox stated we should start with lighting; suggest we follow the recommendation of the new lighting code for commercial that should be passed next month.

Planner Crittenden stated she talked with the City Attorney and instead of putting hours of operation, because we know they typical pick up their vehicles between 5-6 am, we would rather they follow the noise ordinance.

Chair Cox commented because it is an operation that is not going to be going nonstop, I think that is fair to just follow the noise ordinance.

Mike Leavitt stated they have a decibel meter and they have tested it out in Marion and the highway noise is louder than the trucks idling.

Commissioner Madsen asked if the trucks idle much. Mike Leavitt answered no, they have to warm up and cool down, about 5 minutes in the morning and evening.

Discussion about the Standards for approving a storage yard. City Code 18.15.130

18.15.130 Standards for approving a storage yard.

The intent and purpose of this section is to protect the community and neighboring properties from litter, vermin, a loss of property value, or other ill effects of an unsightly or uncontained storage, junk or salvage yards.

1. Scope. The provisions of this section shall apply to storage yards authorized by FCC 18.30.020.

2. Requirements. The City Planner may grant a permit for a storage yard, provided the following conditions are met:

- a. Such use is located in the AG-1 or AG-2 zone.
- b. All industrial supplies, building materials, automobiles (except currently licensed vehicles of employees or visiting customers which are parked in the designated off-street parking lot provided as per Chapter 18.100 FCC), parts, and other items, whether functional or not, which are stored outside of a building, shall be surrounded by a well-maintained sight-obscuring fence.
- c. The sight-obscuring fence shall be constructed to a height of at least eight feet and must obscure all storage items from view from any adjacent public street and adjacent parcel of land.
- d. Any parts or materials which are light enough to blow in the wind shall be kept in an enclosed building.
- e. Off-street parking and landscaping shall be provided according to the standards of FCC 18.115.080.

Discussion about the fence.

Commissioner Madsen asked as far as the fencing along the frontage, can we be more specific there as what we would like to see. Planner Crittenden answer the code as it sits right now does not say specific fence, it just states 8 feet.

Commissioner Madsen asked if part of our Conditional Use Permit could we say we want the visual appearance to look nice. Engineer Kettle responded we can make suggestions, if our code said it had to be a certain type we could, but our code does not say, it only has to be sight obscuring.

Commissioner N. Atkinson asked what are you putting on the frontage. Mike Leavitt answered we do not know yet, we want to keep it as nice as possible, but we have a budget.

Engineer Kettle asked if they had any plans for landscaping in the front.

Commissioner Madsen suggested put some vegetation to obscure.

Commissioner N. Atkinson asked if there was a commercial code for landscaping. Planner Crittenden answered yes. N Atkinson asked if one of the conditions could be contingent on following the commercial code for vegetation and landscaping.

Terry Thompson commented one thing you want to remember is with the wide equipment a lot of that will be opened up. Thompson stated when we had the logging operation there, we had to have that whole thing opened up in order to get the trucks in, everything has to be able to move, so you are not able to put anything in front.

Engineer Kettle asked if they have approached UDOT on access. Mike Leavitt answered no. Engineer Kettle commented sometimes UDOT when you change the use will look at your access a little bit different. Kettle stated that is something you should pursue.

Commissioner N Atkinson asked what utilities are on the property. Answer power.

Commissioner Madsen asked if they had any AG water on the property to support any vegetation. Terry Thompson answered it has use of the spring water that runs through.

Chair Cox asked if there was a water line that runs down there. Engineer Kettle answered there is a water line that runs down there but currently they are not connected.

Terry Thompson asked if there is a sewer system that goes down there. Engineer Kettle answered yes but the pump system is for the State Park so we would have to look into connecting to it.

Commissioner N Atkinson asked so you don't have a bathroom there. Terry Thompson answered we have a portable bathroom.

Discussion about following the City Codes

Commissioner Madsen motioned that the Conditional Use Permit be approved for the Contractors Storage Yard subject to following the commercial lighting ordinance, following the noise ordinance, following the City nuisance ordinance and making sure the exterior fence is nice and follows the standards. Chair Cox seconded the motion. All voting in favor. Motion Passed.

Approval of Minutes – August 15, 2019

Commissioner Madsen motioned to approve the minutes from August 15, 2019. Commissioner K Atkinson seconded the motion. All voting in favor. Motion Passed.

Planner Update

Planner Crittenden stated next months we will have a discussion on the City Center Zone.

Adjourn

Adjourned at 7:40 pm

The content of the minutes is not intended, nor are they submitted as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

These minutes were X approved as presented. _____ approved as amended at the meeting held on November 21, 2019.

October 24, 2019

Francis City Planning Commission and City Council:

I was recently made aware that Contractor Storage is coming before you as a possible Conditional Use Permit where the old Thompson lumber yard exists. I don't know the full extent of their proposal, but I have several concerns about this type of use in this area.

1. It is my belief that it would be impossible to mitigate sufficiently the adverse effects to the City and the residents within the vicinity.

Experts have testified to current and previous City Council, Planning Commission members, and other City Officials that this area along SR-32 is "the jewel of Francis" and "should be protected at all costs". The view from this area was the first thing that made me fall in love with Francis. Even an 8' wall will not be high enough to block the view from residents and others within the vicinity of what I believe to be ugly construction equipment, and there will be no way to do anything for the view from Hilltop Road. We do not want this area to look like the construction equipment yard my son works at off of 3300 South in Salt Lake City. I strongly believe property values would also decrease as well as other important reasons why current and future residents want to live here.

Construction Equipment going up and down SR-32 and SR-35 would be very bad for our roads and the environment of this pristine area. An in-depth environmental study would need to be done by true experts regarding the effect on wildlife, etc. in the vicinity, which would include more than just Francis. We also need to consider the effect on tourism as tourists probably would be the main source of income for any commercial we want to have as listed in the General Plan. They travel these State Roads for much the same reason many of us live here—for the beauty, clean air, and other qualities prevalent in Francis and the area. Driving, hiking, biking, etc. by or behind construction vehicles ruins all of these enticing attributes.

2. Lighting of any sort sufficient for this type of storage would place an adverse effect on the residents on or by Hilltop Road and cannot be sufficiently mitigated, in my opinion. There would be no way to direct lighting that could not be seen. I don't know the final outcome of the Lighting Ordinance and/or language that was to be discussed at the last City Council meeting, but this lighting situation is already an issue for those residents near the current residential storage units and the City has not adhered to its own codes in this area previously, according to the Office of Ombudsman and other legal.

3. Contractor Storage does not belong as even a Conditional Use in the Ag-1 zone because it violates the purpose of the zone. These types of storage areas need to be in Light Industrial and previous Planning Commission members tried to ensure this was so. These types of storage areas do not belong in any type of agriculture conservation zones or spaces.

I don't want to cause problems for the owners, but I ask them to consider what this type of use would do to the residents and City. Is there anyway they could do this in another town or area?

Sincerely,

Shauna Bushman

Shauna Bushman
520 Scenic Heights Road
Francis, UT 84036