

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 6, 2013 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Nathan Gedge, David Pack, Ellen Smith, Dan Lawes, Lesa Bridge, and Zach Jacob. John Winn was excused.

**STAFF:** Tom Burdett, Robert Thorup, Greg Mikolash, Ray McCandless, Scott Langford, Nathan nelson, Paul Brockbank, and Julie Davis.

**OTHERS:** Jordan Taylor, Darren Atkinson, David Barber, Carol Weenig, Peter Stang, Brad Gerke, Randy Bowler, Brent Atkinson, Margaret Crane, Brent Atkinson, Lynn Heward, Robert Dority, and Race & Keisha Sawyer.

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The briefing meeting was called to order by Nathan Gedge and the agenda was reviewed.

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The regular meeting was called to order at 6:00 p.m.

**1. Consent Calendar  
Approve Minutes from July 16, 2013**

**MOTION: Zach Jacob moved to approve the consent calendar. The motion was seconded by Lesa Bridge and passed 6-0 in favor. John Winn was absent.**

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**2. Bowler Livestock Swine Permit; Continued from 6-18-13; 7402 South 5490 West; Conditional Use Permit for Keeping Swine; A-1 Zone; Utah Natural Meat/Randy Bowler (applicant) [#CUP20130002; parcels 20-25-300-030, 001]**

Ray McCandless said this item was continued by the Planning Commission at the June 18 meeting in order for staff to conduct more research regarding a recommendation for the number of pigs allowed. Staff contacted the Utah Department of Agriculture, Utah State University, Utah Farm Bureau, Salt Lake County Health Department, as well as other local jurisdictions for guidance. The bottom line is there is no magic number, but it varies. A table in the staff report shows what other jurisdictions allow. With West Valley City's point system 70 pigs would be allowed. The Utah Department of Agriculture recommended no more than 5-10 pigs per acre, but that number does not include other farm animals on the property. Draper City's code would allow 100 pigs, with fewer if other animals were on site. Staff spoke to a veterinarian at Utah State Extension Services who indicated their big concern wasn't the number of animals but that they are healthy and the area is kept clean. The applicant indicated at a meeting with staff that they would like to have 70 pigs with 20 being older than 12 months and 50 being younger. He said the focus tonight should be on the findings for a conditional use permit. The commission could choose to set a hard number, use the point system, set a cap on the number of pigs under 12 months of age, or they could deny it. An email from the adjoining property owner was distributed to the commission. Staff initially recommended the point system, but since that would allow for an unlimited number of pigs younger than 12 months of age it is now recommended that it be capped at 70 with 20 over 12 months of age.

Based on the additional information and upon the findings contained in the staff report, Staff is of the opinion that Conditional Use Permit approval should be granted with the following updated conditions:

**Conditions of Approval**

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. The applicant shall comply with all applicable County Health Department, Building and Safety and Fire Department Regulations.

2. The proposed use comply with all applicable State, Federal and Local permitting requirements.
3. Per Section 13-7E-10: A Conditional Use Permit may be revoked upon finding that the use is a nuisance or detrimental to the health, safety and welfare of the neighborhood or the city in general; obtained by fraud; and or altered beyond the use described in this report.
4. Per section 15-5-3: Appeal may be made to the city council from any decision, determination or requirement of the planning commission or board of adjustment by filing a written notice of appeal, and payment of a fee as established by resolution of the city council, with the city clerk/recorder within fifteen (15) days from the date such decision, determination or requirement was made. Such notice shall set forth in detail the action and grounds upon which the owner/developer, or other interested persons, deems themselves aggrieved.
5. The number of swine be limited to a total of 70 animals, no more than 20 of which may be over 12 months of age.
6. That the animal farming business comply with all applicable federal, state, county and municipal requirements.

Nathan Gedge noted that the public hearing was already conducted at the meeting in June, but there had been some interest from the commission to reopen the public hearing.

**MOTION: Dan Lawes moved to suspend the rules of order and reopen the public hearing. The motion was seconded by Zach Jacob and passed 6-0 in favor. John Winn was absent.**

Nathan Gedge recognized that an email from the Atkinson Family Trust as well as the applicant had been received.

David Pack said he had been wondering why there is such a diversity of opinions regarding pigs and wanted to get a broad perspective. So he visited the subject property firsthand. He was shown around the site by a staff representative at three different locations where the swine are kept. In his limited farming expertise he thought it looked clean and sanitary compared to public facilities like Wheeler Farm, Hogle Zoo, and Thanksgiving Point as well as private farms in their extended family visits. He called individuals from Utah State University to get an agricultural standpoint of why swine might be treated differently in permitting and city coding. He received a phone message from Mr. Jim Jensen, Utah State University, 4-H Officer dealing specifically with Salt Lake County issues.

He played the recording and then Commissioner Pack summarized that Mr. Jensen indicated that at one time swine were treated differently because of the way they were kept. To his estimation presently a swine isn't messier or smellier than any other animal provided it is cleaned up after. Mr. Jensen had also stated that the worst smell he ever dealt with was a single dog on a property, because it wasn't kept clean.

Randy Bowler, applicant, said they tried to work with staff and reviewed the research. Although it is difficult to put an absolute number on the item, their number is based on the recommendation in the staff report of no more than a total of 70 swine with no more than 20 being 12 months of age or older. Their own research also concluded that there are no hard and fast rules, but it is more the condition of how the animals are kept. He believes that his free range open areas would be in compliance with the Department of Health conditions.

Nathan Gedge asked that the public testimony be limited to the conditional use permit and that the previous testimony is currently being considered and did not need to be repeated.

Nathan Gedge opened the public hearing.

David Barber, West Jordan resident, said he lives directly east of the subject area. He was quite concerned with the proposed numbers. He was raised on a 160-acre farm where he raised hogs and he never had that many. He

said there is no method of cleaning the feces or urine because they are allowed to roam. He asked them to consider the flood plain in the area. In 1992 there was a 100-year flood and the water came from across the road where this property is into his basement, and if that happens again it will also affect the homes east of him.

Peter Stang, West Jordan property owner, said they own the property to the north. They are concerned about the proposed numbers and the idea of having the swine farm in the middle of generally a residential area. It is only a matter of time before the whole area is residential as indicated by the construction of 5600 West. He was also concerned with his property values, ground water contamination from a pig farm, and the other issues spoken of by Mr. Atkinson and Mr. Barber. He asked the commission to minimize the number, if any.

Brent Atkinson, representing the family trust of the property to the south, appreciated the information from Mr. Jensen in the phone call, but he had no idea that the rezoning of the property now allows for an unlimited number of sheep, cattle, etc. Mr. Jensen also didn't take into consideration how the public perception of a pig farm would affect property values. Mr. Atkinson didn't feel that there is any effective way to mitigate the negative impact from the request as required by the criteria. If the permit is denied he felt that the impact to Mr. Bowler would be minimal. He would still be able to have his business, an unlimited number of sheep, cattle, chickens, and chicks, and he has publically stated that there are other properties where his pigs are kept. The impacts to the surrounding property owners have already had a negative impact on the ability for the family trust to sell and develop the land. Other property owners have spoken on the concerns of property values, health and safety, sanitation, etc. His family is not opposed to agricultural use of the land, but that Mr. Bowler's rights and desires to expand a home occupation begin to trample on the rights of the adjacent property owners and neighbors.

Lynn Heward, Salt Lake attorney, referenced his previous handout on spot zoning and stated that it still applied. He said even if scientifically pigs are not much different from other animals, the public perception still has a tremendous effect. Spot zoning is illegal because it benefits one small island of property to the detriment of those around that. The rezoning was approved, so this time they need to consider how to mitigate the damage caused by the spot zoning, and he recommended denial of the pig permit. If a potential purchaser of property calls off the sale, then that is to the detriment. He said that Mr. Bowler is not one to live according to the rules as it was mentioned he has pigs on three parcels, which are not permitted. This home occupation is supposed to be incidental, which this is not. So it is being done to the detriment of the other properties.

Robert Dority, West Jordan resident, said he lives approximately 500 yards to the southeast of the property and is there quite a bit. He said this shouldn't be called a pig farm because it is very diverse, and he finds nothing objectionable about it. He thought the people living in the area might be a little short sighted, because if he were in the market for a rural residential property he would like the idea of living near a farm to avoid the urban sprawl in the future. He also had no concerns with the business.

Randy Bowler said he hoped the other commissioners had a chance to visit the property. He appreciated the public hearing process that allows the commission to hear all sides, facts as well as fiction, and then sort through it and make a decision. He asked the commission if there had been any real evidence of adverse affect because of the swine. Regarding the general public perception against swine he appreciated the phone call received by Commissioner Pack. He clarified that they do not have swine on any other property in this area other than the proposed site. The planning commission felt comfortable with the rezoning the property to an agricultural use. He agreed that swine are no different than any other farm animal, if properly kept. It is important to them to have swine there. His background is also home building and development for almost 40 years, and he wouldn't call this area at this point in time a readily developable area. The area doesn't have public sewer or public access, but at some point there will be. So if there are property owners on that street who are hoping to or purporting to have opportunity to sell the property for development at this time and the sales are not coming about, he felt the reasons are only minimally because of the farm and are more affected by the lack of developability of the properties in that area.

Zach Jacob asked if it were accurate to say that the property is 10 acres total, with all of the southern parcel being dedicated to animals and about 40% of the northern parcel being dedicated to the keeping of animals for a total of about seven acres.

Randy Bowler said that could be fairly accurate; they have a home, farm equipment and buildings.

Further public comment was closed at this point for this item.

Zach Jacob said based on the assumption of having seven acres dedicated to the animals and using the rural residential point system, there would be a maximum 610 points and taking away the existing animals they are at 700 – 750. Also looking into the research information by staff, his favorite hard number was the Utah Department of Agriculture with no more than 5-10 pigs per acre that equals out to 35-70 pigs if there are seven acres. His suggestion would be to limit the total number of swine between 20 and 30 with 7 to 10 being over 12 months. He also classified swine as a large animal instead of a medium sized animal, because in his estimation they were a little more toward a cow than a sheep.

It was clarified that a conditional use permit would stay with the property subject to the conditions of approval.

Dan Lawes asked if it falls within the scope of the planning commission to attempt to mitigate potential financial damage that they can't estimate.

David Pack didn't think that is the direct decision they are making, but it is a byproduct of either granting or denying the permit. He didn't know how much they should let peripheral argument sway the decision. They need to focus on the matter at hand. There has been a lot of reasoning for and against, and he thought it was important to focus on the factors for deciding on the conditional use permit and not other issues.

**MOTION: Dan Lawes moved to approve the Conditional Use Permit for Bowler Livestock Swine Permit; 7402 South 5490 West; Utah Natural Meat/Randy Bowler (applicant) with conditions of approval 1 through 6 as listed in the staff report, modifying:**  
**5. The number of swine be limited to a total of 35 animals, no more than 10 of which may be over 12 months of age.**  
**The motion was seconded by Zach Jacob.**

Nathan Gedge felt the motion was a fair compromise based on the clarification on the size of the land with animals by mitigating some of the swine and it will still allow the property owner the opportunity to have that type of use on the premises.

Lesa Bridge stated that as a representative of Smith's Food and Drug and due to the fact that she is involved in acquisition of property in close proximity to Mr. Bowler that she would abstain from voting.

**ROLL CALL VOTE:**

**Commissioner Jacob – yes**  
**Commissioner Bridge - abstained**  
**Commissioner Smith – no**  
**Commissioner Gedge - yes**  
**Commissioner Lawes - yes**  
**Commissioner Pack - yes**  
**Commissioner Winn - absent**

**The motion passed 4-1 in favor with 1 abstention.**

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**3. 1980 West Senior Apartments; 1980 West 9400 South; Preliminary Site Plan, Preliminary Subdivision Plat, and Preliminary Development Plan; R-3-20 (SHO) Zone; D & H Development/Howard Schmidt (applicant) [#SPCO20130007, SDMA20130015, DP20130006; parcel 27-03-351-012]**

Ray McCandless said the property was recently rezoned to have the Senior Housing Overlay. The density is set by the zoning at 20 units per acre. The subdivision plat would change the parcel into a lot. He showed the site plan and landscape plan of the proposed 60-unit, 2 ½ story building. The setbacks are very expansive and the main access points are at the north and south plus a circular loading area in the front. Parking is shown around the building with some being covered. The site is well landscaped with trees and a walking path along the perimeter. A courtyard and gathering places are provided. Three elevators are located within the building. The building has an attractive design with numerous recesses to provide relief and a variety of materials will be used.

Preliminary Development Plan

Based on the requirements listed in the Zoning Ordinance, staff recommended that the Planning Commission approve the 1980 West Senior Apartments Preliminary Development Plan, generally located at 1980 West 9400 South with a residential density of 20 units per acre for a total of 60 units, subject to the conditions of approval as set forth below. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

Conditions of Approval:

1. Meet all requirements of Title 14 and Title 13 of the 2009 City Code, and the requirements of the R-1-20 (SHO) district.
2. The applicant and/or developer shall address and adhere to all departmental comments, conditions of approval as identified in this staff report.
3. Before the final plat and development plan are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.
4. Occupancy be limited to senior citizens fifty five (55) years of age and older and their immediate families.

Preliminary Site Plan

Based on the required findings listed in the Subdivision Ordinance, staff recommended that the Planning Commission approve the Preliminary Site Plan for the 1980 West Senior Apartments generally located at 1980 West 9400 South, with a residential density of 20 units per acre for a total of 60 dwelling units, with the conditions as listed in the "Motions Recommended" portion of the staff report.

Conditions of Approval:

1. Approval of landscape and irrigation drawings consistent with the requirements contained in City Code, Chapter 13, Landscaping Requirements.
2. The approved preliminary site plan shall remain valid for one year following the date of the approval. Approval of a final site plan shall become null and void if development does not commence within two (2) years of the approval (City Code, Section 13-7B-5 A and B).

Preliminary Subdivision Plat

Based on the required findings listed in the Subdivision Ordinance, staff recommended that the Planning Commission approve the Preliminary Subdivision Plat for the 1980 West Senior Apartments generally located at 1980 West 9400 South, with a residential density of 20 units per acre for a total of 60 dwelling units, subject to the conditions of approval as set forth below. Planning Commission approvals do not include Public Safety,

Fire, Building and Safety, or Engineering approval. Approval by these City divisions or departments may be required.

Conditions of Approval:

1. Meet all the conditions of the Preliminary Development Plan.
2. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. (Section 14-3-8B of the 2009 City Code)

Jordan Taylor, project manager, and representative for D & H Development, said they are modeling this after a 96-unit complex in Riverton. The proposed project has a larger clubhouse that spans three stories. There is plenty of architectural relief. This is their third attempt in ten years to develop the property and they feel that this project will serve as a buffer between the Willow Cove Apartments and the retirement communities to the west and north. The landscaping requirement has been met, and they are including garden plots that encourage community work time. The reason the building is located so far forward on 1980 West is because the fire department requested the fire lane around the back of the property. He said the units in Bridlewood Villas, which are some of the closest units, are below the fence line so they won't have a view of the property. Their company gave the land for 1980 West and they own and will maintain the parcel to the west of it. The building is 3 ½ to 4 feet in the ground for an appearance of a 2 ½ story building. They explored flat roof options, but the cost is much more expensive, maintenance is an issue, it wouldn't match the surrounding architecture, and they have no mechanical equipment to hide. The air conditioning units are housed inside closets off of the porch and are not visible to the general public. He said that Jordan Villas to the west is elevated about four feet above this site, so this building will appear as a two-story structure from that level. This is an infill property and when you are the last to build you can get some resistance, but he felt that they had gone to great lengths to try to minimize the impacts.

Nathan Gedge opened the public hearing.

Carol Weenig, West Jordan resident, said Mr. Schmidt invited the neighbors to visit the Coventry Cove project in Riverton. They thought it was a beautiful facility. The people generally love living there. It is well cared for, the manager is on-site and the maintenance is 24/7. They asked the manager specific questions about sufficient parking for visiting family and friends they were told there was parking in the front. Ms. Weenig said when they saw the proposed plan she was concerned that the seniors would have to park in the back and walk around the sides along the street to get to the main entrance. She realizes the fire safety is a serious consideration, but she thought it is hard not having parking in the front for them.

Jordan Taylor clarified that the front portico services the front lobby. There is an elevator in the lobby to access the common areas above it, but there are no units within that area. He pointed out where the majority of the parking is and entrances in three other places that are very close to the visitor parking areas. There is one handicapped stall at the front of the circular area if they need to drop off things.

Zach Jacob asked if the entrances are keyed for residents only.

Jordan Taylor said in the other complex they are keyed for residents only; however, there are intercom systems and the visitors can be buzzed into the building.

Further public comment was closed at this point for this item.

Nathan Gedge felt that the 360-degree fire access is needed more than visitor parking next to the front door.

It was also clarified that 1980 West is a standard 50-foot width and parking is allowed.

**MOTION:** Zach Jacob moved to approve the Preliminary Development Plan for 1980 West Senior Apartments; 1980 West 9400 South; D & H Development/Howard Schmidt (applicant) subject to conditions of approval 1 through 4 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 6-0 in favor. John Winn was absent.

**MOTION:** Zach Jacob moved to approve the Preliminary Site Plan for 1980 West Senior Apartments; 1980 West 9400 South; D & H Development/Howard Schmidt (applicant) subject to conditions of approval 1 and 2 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 6-0 in favor. John Winn was absent.

**MOTION:** Zach Jacob moved to approve the Preliminary Subdivision Plat for 1980 West Senior Apartments; 1980 West 9400 South; D & H Development/Howard Schmidt (applicant) subject to conditions of approval 1 and 2 as listed in the staff report. The motion was seconded by Lesa Bridge and passed 6-0 in favor. John Winn was absent.

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**4. Comfort Suites; 7271 South Campus View Drive; Preliminary and Final Site Plan and Conditional Use Permit; P-O Zone; Uking Group (applicant) [#SPCO20130008; parcel 21-29-151-013]**

Greg Mikolash said the application tonight is identical to the plan approved in 2010. The building is proposed to be 59,000 square feet with 85 rooms and 89 parking stalls. The conditional use permit is needed for the hotel use and to exceed the 45-foot building height limit, which will be similar in height to the Hampton Inn and Credit Union. The South Valley Regional Airport has no concerns with the height in relation to the other buildings. The design review committee commented that they would like to see red around the porte-cochere. The landscaping code exceeds the requirement.

Preliminary/Final Site Plan

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Preliminary and Final Site Plan approval for the Comfort Suites Inn located at 7271 S. Campus View Drive in a Professional Office (P-O) zoning district with the conditions listed below.

Conditions of Approval:

1. An approved final site plan shall become null and void if development does not commence within two-years of the approval.
2. Meet all conditions as established per the Conditional Use Permit as represented in this staff report.

Conditional Use Permit

Based on the findings set forth in the staff report, staff recommended that the Planning Commission grant Conditional Use Permit approval for both the use and height of the structure for the Comfort Suites Inn located at 7271 S. Campus View Drive in a Professional Office (P-O) zoning district with the conditions of approval as listed below.

Conditions of Approval:

1. The Conditional Use Permit is subject to review, expiration, and/or revocation according to §13-7E-10 of the Municipal Code.
2. The conditions of approval as established within the Preliminary and Final Site Plan must be met.

Nathan Gedge asked if there were any major differences.

Greg Mikolash said there are no changes at all. There are some issues related to easements and cross access.

The parking lot access was reviewed.

The applicant was not in attendance.

Nathan Gedge opened the public hearing.

Further public comment was closed at this point for this item.

**MOTION: Dan Lawes moved to approve the Preliminary and Final Site Plan for Comfort Suites Inn; 7271 South Campus View Drive; Uking Group (applicant) with the conditions of approval 1 and 2 as listed in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. John Winn was absent.**

**MOTION: Dan Lawes moved to approve the Conditional Use Permit for Comfort Suites Inn; 7271 South Campus View Drive; Uking Group (applicant) with conditions of approval 1 and 2 as listed in the staff report. The motion was seconded by Ellen Smith and passed 6-0 in favor. John Winn was absent.**

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**5. Atlas Housing Group Home; 8807 South Millrace View Circle; Conditional Use Permit for a Group Home, small; R-1-12E Zone; Atlas Housing/Race Sawyer (applicant) [#CUPA20130006; parcel 27-02-251-007]**

Scott, Langford said the home in question is approximately 4,000 square feet in size with seven bedrooms and 4 1/2 baths. The letter of intent indicates that the facility is for disabled adolescents as defined by state code. They are dealing with issues related to adoption, family disruption, and learning disabilities. The students will not use and are not addicted to any controlled substances and the program does not admit students who have a history of violence or other criminal activity. The conditional use permit will allow up to six adolescents and one adult couple as caregivers. Therapy will take place in a facility in South Jordan and not on the property. The required spacing must be at least 1,000 feet away from another group home, which it meets. The city council has already determined that group homes are an appropriate use in residential districts with a conditional use permit that mitigates any potential concerns.

Based on the positive findings set forth in the staff report, staff recommended that the Planning Commission approve the Conditional Use Permit for the Atlas Housing Group Home, located at 8807 South Millrace View Circle, in an R-1-12E Zone, with the conditions of approval as listed below.

Conditions of Approval:

1. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval. The applicant shall comply with all Building and Safety and Fire Department Regulations concerning site design and construction, as may be required.
2. No more than 6 occupants and up to 2 caregivers reside at the premises as allowed by City code.
3. The proposed use must comply with all applicable State, Federal and Local permitting requirements.
4. Per Section 13-7E-10: A Conditional Use Permit may be revoked upon finding that the use is a nuisance or detrimental to the health, safety and welfare of the neighborhood or the city in general; obtained by fraud; and or altered beyond the use described in this report.

5. Per section 15-5-3: Appeal may be made to the city council from any decision, determination or requirement of the planning commission or board of adjustment by filing a written notice of appeal, and payment of a fee as established by resolution of the city council, with the city clerk/recorder within fifteen (15) days from the date such decision, determination or requirement was made. Such notice shall set forth in detail the action and grounds upon which the owner/developer, or other interested persons, deems themselves aggrieved.

Race Sawyer, applicant, 8807 South Millrace View Circle, said he and his wife Keisha work with a therapeutic boarding school in South Jordan called Turnabout Stillwater Academy. It is unique in their housing approach, because they have found that it is more productive for the students to live with families in the community. They are currently taking care of three kids and the conditional use permit will allow for four to six. They typically work with girls, which works well for his family as they have three small children themselves. They have been working for the company for about two years and they enjoy the approach. He and his wife have been working for other companies that help teenagers for the last eight years. He appreciated the help they've received during the permitting process.

Zach Jacob asked if the disability is developmental.

Race Sawyer said it is more specific to what was outlined such as family problems.

Nathan Gedge asked if the total number in the home will be 11.

Mr. Sawyer said yes.

Nathan Gedge opened the public hearing.

Further public comment was closed at this point for this item.

There was a discussion regarding if there was a need to specify that there has to be two caregivers instead of 'up to two caregivers'. The applicant said the state's regulation for caregivers is a ratio of one caregiver to ten students. The condition should also read 'six disabled persons'. Regarding maximum number of people in the house, Paul Brockbank said this application wouldn't meet the criteria of needing sprinklers because the occupants are physically and mentally able to get out of the home.

Nathan Gedge said he was in favor of the application with the amendment as suggested because of the policy direction from the council and because it meets the criteria.

**MOTION: Nathan Gedge moved based on the testimony received and the findings set forth in the staff report to approve the Conditional Use Permit for Atlas Housing Group Home; 8807 South Millrace View Circle; Race and Keisha Sawyer (applicants) with the conditions of approval 1 through 5, modifying:**  
**2. No more than six disabled persons reside at the premises as allowed by City code. The motion was seconded by Zach Jacob and passed 6-0 in favor. John Winn was absent.**

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Tom Burdett and Robert Thorup began a discussion on what the procedure should be if an applicant does not attend the meeting. The following were points of discussion:

- Postponement and extra fee
  - The applicant has the burden of proof and is responsible to present their case in a manner that persuades the commission to approve the request. Some cities automatically postpone an item if the applicant is not in attendance.
  - If the item is postponed should an additional fee be assessed?
  - Postponement may not be fair for any citizens who came to speak on the issue.
  - After reading the title of the item, the chair asks if the applicant is in attendance. If not, the item could be tabled to the end of the meeting to allow additional time for the applicant to arrive.
  - The fee schedule will have to be amended if another fee is imposed. The city council would have to ratify a code amendment and/or change to the schedule.
  
- Order of presentation. Staff or applicant to present first
  - In either case there will be redundancy if both give a full presentation.
  - Does the applicant have easy access to some of the information that staff can provide quite easily.
  - If staff goes by only what the applicant submits then the information given to the commission may be incomplete, which could be a problem and staff appears to be unprepared.
  - Some applicants might not have the confidence to make a full presentation in front of a group of people and might feel obligated to hire someone to make the presentation.
  - The current order of the presentation is going well as is.
  - Because staff makes a complete presentation there may be an appearance that the applicant doesn't need to attend or that the commission is just giving a rubber stamp of approval.
  - The applicants should be well informed of any change in expectations from the city.
  - Staff already helps the non-professional customers, but they need to encourage the consultants to package some of the highlights and make a presentation.
  - A deadline should be set for the applicant to submit electronic information for the presentation.
  - Staff could give the first presentation but not state a recommendation at that time so the applicant can present their case.
  - The wording from the Chair could be changed from 'does the applicant have anything to add' to 'turn the time to the applicant to state their case or highlight/summarize their application'.
  
- Open dialogue between Commission and applicant
  - It is possible to keep the dialogue open between the applicant and the commission with the public hearing that starts and stops. This allows the commission to ask clarifying questions without suspending the rules.
  - The risk is that the applicant may want to talk when the commission has no need of additional information, so clear procedures of acknowledgement should be given.

#### Recommended Actions

It is unacceptable for an applicant to not be present. There should be an incentive for their attendance; the item could be postponed with additional fee, requiring a fee schedule adjustment. The order of the presentation is working. Set expectations that the applicants have to attend and summarize the application. They will change the way the Chair invites them to present, and the Chair will ask if the applicant is in attendance after reading the title of the application. They can reevaluate in three months, if needed.

Tom Burdett stated that a new associate planner will be starting on August 19<sup>th</sup>.

**MOTION: Lesa Bridge moved to adjourn.**

The meeting adjourned at 8:10 p.m.

NATHAN GEDGE  
Chair

ATTEST:

JULIE DAVIS  
Executive Assistant  
Development Department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013