# TOWN OF PAYSON
# PLANNING AND ZONING COMMISSION
# MINUTES OF THE PUBLIC MEETING
# October 8, 2012

**Chairman Loyd called the duly posted public meeting of the Planning and Zoning Commission to order at 3:02 p.m. in the Town Council Chambers.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**
**PRESENT:** John Swenson, James Scheidt, Joel Mona, Clark Jones, and Jeff Loyd.
**ABSENT:** Lori Meyers, and Mark Waldrop
**STAFF PRESENT:** Sheila DeSchaaf, Zoning Administrator, LaRon Garrett, Assistant Town Manager, Doni Wilbanks, Planning Technician, Tim Wright, Town Attorney, Kyle Mann, Town Prosecutor, and Chris Floyd, Executive Assistant.

**A. APPROVAL OF MINUTES**
**1. Public Meeting 9-10-12 Pages 1-4**

The minutes were approved as submitted.

**B. PUBLIC COMMENTS - Comments concerning items not on the agenda. Note: Those wishing to address the Planning and Zoning Commission during this time need not request permission in advance. Action taken as a result of public questions and comments shall be limited to directing staff to study the matter or rescheduling the matter and decision at a later date. There shall be no discussion regarding any issues presented.**

There were no public comments.

**C. SCHEDULED HEARING(S)**

1. A12-001 Abandonment of Right of Way
   Filed by: Town of Payson
   Location: South Hill Street
   Purpose: To abandon the north 100'± of the South Hill Street right of way (currently undeveloped).

   LaRon Garrett, Assistant Town Manager, summarized the staff report. Staff recommends abandonment of the right of way while retaining a public utility easement over the entire length of the property for the existing utility lines.

   Chairman Loyd opened the public hearing.

   Chairman Loyd closed the public hearing.

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Motion: Recommend to the Town Council approval of the abandonment request based on the fact that the right-of-way has been available but unused for over 80 years and is not currently in any plan for future construction, staff recommends supporting this request for abandonment while retaining rights to a public utility easement for the existing utilities located between 809 and 811 West Cherry Street in the Town of Payson.
Moved by James Scheidt, seconded by Clark Jones.

Vote: Motion carried 5 - 0
Yes: John Swenson, James Scheidt, Joel Mona, Clark Jones, and Jeff Loyd.

Absent: Lori Meyers, and Mark Waldrop.

2. P12-005 Unified Development Code Amendment
Filed by: Town of Payson
Location: Could affect all of Payson
Purpose: To amend the Unified Development Code Section 15-15 pertaining to Medical Marijuana Uses.

Commissioner Jones recused himself from discussion on this item.

Sheila DeSchaaf, Zoning Administrator, summarized the staff report.

The Commission asked questions, which were answered by staff.

Chairman Loyd opened the public hearing.

A member of the audience spoke in favor of having more than one (1) cultivation site but did suggest limiting it to 3-6 sites. There was also some conern with the separation requirement from a day care or school.

Several other members of the audience also spoke for the need for more than one (1) cultivation site. It was noted that with all the regulations from State, Federal and Town there was only a couple of sites in Town that would allow a cultivation site.

There was further discussion regarding the possible cultivation sites as it relates to setbacks and possible number of allowable sites.

Chairman Loyd closed the public hearing.

Commissioner Mona moved the Planning and Zoning Commission recommend to the Town Council approval of P12-005, an amendment to Medical Marijuana Uses, Section 15-15 of the Unified Development Code, to restrict the number of dispensaries and to permit up to three (3) cultivation locations.

Motion failed due to lack of a second.

Tim Wright, Town Attorney, stated that the Town Code requires action being taken

within 30 days of the public hearing which is being held today. It is tentatively scheduled for the October 18 Council meeting. If the Commission could not decide on a recommendation today they would need to call a special meeting.

Commissioner Scheidt moved that the Planning and Zoning Commission recommend to the Town Council approval of P12-005, an amendment to Medical Marijuana Uses, Section 15-15 of the Unified Development Code, to restrict the number of dispensaries and off-site cultivation locations as drafted by staff.

Motion failed due to lack of a second.

Chairman Loyd moved, seconded by Commissioner Mona, to recommend to the Town Council denial of P12-005,an amendment to Medical Marijuana Uses, Section 15-15 of the Unified Development Code, to restrict the number of dispensaries and off-site cultivation locations as drafted by staff.

Motion failed 2-2. Commissioners Scheidt and Swenson cast the dissenting votes.

Chairman Loyd asked for further discussion from the Commission. Commissioner Swenson commented that the lack of knowledge about cultivation and distribution made it difficult for him to feel comfortable with a recommendation.

Chairman Loyd stated that he would like to carry it forward to Council with a tie vote.

Chairman Loyd moved, seconded by Commissioner Mona, to send to the Council the inability of the Planning and Zoning Commssion due to a split vote to make a decision on whether or not to approve or deny this particular change to the UDC as filed by the Town of Payson.

Motion carried 4-0.

## D. SCHEDULED DISCUSSION/POSSIBLE ACTION

1. Discussion regarding upcoming General Plan meetings.

   Sheila DeSchaaf, Zoning Administrator, stated that the kickoff meeting for the General Plan update is scheduled for October 30, 2012 at 6 p.m. at the library. Staff needs to know in advance if there will be quorum present for the meeting. It appears there will be a quorum so an agenda will be posted.

## E. REQUESTS TO STAFF FOR THE PLACEMENT OF ITEMS ON FUTURE PLANNING & ZONING COMMISSION AGENDAS

## F. INFORMATION TO COMMISSION (Not for Discussion)

Sheila DeSchaaf, Zoning Administrator, stated that there would be a meeting next month on November 5, 2012.

**Adjournment - 4:57 p.m.**

Jeff Loyd, Chairman

12/10/12

Approved

Chris Floyd, Executive Assistant