



**Mayor Bryan Cox**  
**PC Chair Michael Mowes**  
Commissioner Mark Lynne  
Commissioner Ryan Brady  
Commissioner Craig Whyte

## Hyde Park City Planning Commission Meeting May 15, 2024 Minutes

The meeting began at 7 PM and was conducted by Planning Commission Chair Michael Mowes.

### City Representatives Present

Planning Commission Chair Michael Mowes, Commissioners Mark Lynne (via Zoom), Ryan Brady, Craig Whyte, and Ned Hansen; Mayor Bryan Cox, City Administrator Marcus Allton, City Councilmembers Kevin Flint, Stephanie Allred, Kirk Brower, and Tiffany Atkinson, and PC Secretary Colette Dursteler.

### Others Present

Ben and Janet Clegg, Josh Atkinson, Doug and Melissa Vogel, Bonnie T. Anderson, Terrell Anderson, Jay Nielson, Brent Downs, Megan Doxey, Doug and Stephanie Mower, Lyle and Camille Shakespear, Scott and Bannatyne Matson, Griffin Matson, Leo Matson, Nancy Buckway, Dave and Laurel Hancey, Natalie Darley, Matt Harris, Trevor Leavitt, Michael Tullis, Rich Eckburg, Lynne Eckburg, Denny Shupe, Jackie Clark, Thayne Braegger, Wes, McBride, Mark Ashcroft, and Brittne Thomas.

Via Zoom: “mgdah”

### Opening and Approval of Minutes

#### Prayer/Thought & Pledge of Allegiance by Michael Mowes

The meeting began with a prayer, expressing gratitude for the blessings of the city and for the guidance to make sound decisions for the community's direction. The pledge of allegiance to the flag of the United States followed.

#### Approval of Minutes from Planning Commission Meetings held May 1, 2024

Attendees confirmed they had gone through the minutes from the last meeting. A motion was made to approve them, but some corrections were noted, concerning certain comments and a clarification about 300 South not being a private road but city-owned according to county maps. The right-of-way was narrowed but the road is public.

Brady moved to approve the minutes as amended. Hansen seconded. Motion passed unanimously, 5/0.

### Input/Coordination

A brief announcement was made inviting everyone to the ribbon-cutting event on May 20 at 10 AM to open the road down Wolfpack Way. Attendees were instructed to park in the Lee Park parking lot.

Councilmember Flint reported on City Council Meeting held Wednesday, May 8, 2024:

1. Approved Glenn rezone from Commercial to Mixed-Use (MXD).
2. Discussed issues with the Niederhauser Subdivision, options, consulting an attorney.
3. Adopted 2024 Storm Water Master Plan, providing new ways to handle storm water.
4. Adopted the 2024 City Budget. Will hold a Public Hearing.

5. Discussed fees related to building rental, concession stands and the fee schedule.
6. Noted the passing of the first Police Chief of Hyde Park Paul Lamont.

**ADMINISTRATIVE ITEMS:**

**Public Hearing and Consideration: Harris Property Rezone**

Parcel IDs: 04-038-0033, 04-038-0034, & 04-038-0038, 235 E 600 S, about 12.5 acres

Zone: Currently – RE-20 (residential minimum 20,000 square feet)

Proposed - R-5 zone (up to 5 units per acre).

See HPC Code 12.140

*“The Residential Multi (R-5) zone is established to provide an attractive setting for low-medium density development, presenting the opportunity within the community for varying housing styles, lot sizes and character.*

*Development within the R-5 zone shall be characterized by attractively landscaped single-family, two-family, and multiple-family developments, with duplexes, twin homes, townhomes, and triplexes.”*

Allton summarized the request to rezone 3 parcels of Harris’ property from RE-20 to R5, with a small percentage of townhomes, and a focus on creating housing for those aged 55 and older.

**Mowes opened the public hearing:**

**Matt Harris:** Informed those in attendance that he would like to have an over age 55 PUD on Parcel - 0033. That use is currently allowed as it is far enough away from the one to the south and it falls in line with the ideas of the city. He would like parcel -0034 to be zoned R5 so he can make a better PUD. R5 only requires 10 ft. separation between homes and 10% open space. He would be able to make the open space more useful and the citizens would not pay as much for unusable space. 50 E is a great road. He does not plan on putting the townhome grouping to exit onto that road. He would like to preserve 50 east by putting the PUD on Northwest section. Only people that live in the PUD would access 50 E. The new access would be on 3100 N with minimal traffic impact on 50 East. His goal is to create a nice community that is valued. He has no intention of moving. R5 allows townhomes and he plans to put up to 16 townhomes on the SE side. Bus route goes to USU, Master plan states this development is intended for the property on the arterial road. He would like the townhomes to look like a 2-story home and make them affordable for starter homes. He would rent them so he could maintain them along with the landscaping. Said he would be willing to sign a pledge or promise not to put townhomes on 50 E.

**Melissa Vogel** - Appreciates the presentation but thinks allowing the zoning change would be something we couldn’t take back. It would start a cascade of everyone else. She understands growth but believes others could not be denied rezones and would change Hyde Park. She referenced the roundabout at 3100 North. She said it is difficult to get through. She asked that the commission consider water, law enforcement, public works, schools, etc. She asked that developers contribute to schools for each house that is built. She would like to see gradual growth.

**Ben Clegg**- Lived here for 20 years. He is vested in the community and the area where he lives. Does not want to stop development, just be aware that RE20 or higher is what they want, bigger lots. Nothing is affordable. Concerned about the next 20 years, does not want high density.

**Doug Mower** - 100% agreement with Mr. Clegg. He bought his home 8 years ago because lots are larger. Chose not to buy a townhome somewhere. There will be changes, but we need to maintain an integrity of larger lots for this area. The traffic on 3100 is already crazy, with additional units, the infrastructure will not be able to handle it. Long term, the rezone will be a headache for residents.

**Jay Nielson**- sent letter to PC. He identified that if PC decides to zone to R5, you must make findings that support a rational basis to make that decision. Is not consistent with the general plan. The record says this area is R4 in the general plan. To consider R5 is not consistent. Utah code says it must be

consistent. Matt mentioned contingent zoning to what he wants, will sign the document, but contingent zoning is not legal. Once zoning is changed, it stays changed. Anyone who owns the property can get the most of their property. General Plan is important for the growth of the city. We all need to make compromises.

**Brent Downs** - This proposal pushes traffic to 50 E. The reason he moved there is because it was rural A1 at the time.

**Scott Matson** – He was talking about this with kids, and they counted 27 houses on the block he is on. He moved here for that reason. The houses, traffic, and people in that area will triple if this rezone passes. He wants the peace 50 E has and requested that it be maintained.

**Laurel Hancey** -Agrees with Matson. She feels that 50 E (with the access to the school) has gone crazy. Great road for kids to practice driving and the senior citizens to walk. Please don't change the zone and put a light on that busy street.

**Trevor Leavitt** - moved in before the development started across the street. Has 3 kids. Traffic on 3100 is worrisome to try to cross on 3100 to walk up to legacy park. In Smithfield, they built many homes. It changed the feel of the neighborhood and speeds on the roads increased. He wants to keep 50 E as is. He feels that there are more appropriate places and ways to make affordable housing.

**Megan Doxey** - Grew up on 50 E. and bought a home without seeing it, that is how important it is for her to maintain that "feel". Bigger lots, you know your neighbors. She feels this rezone would make the neighborhood lose that community feel.

**Stephane Mower** - Seconds everyone's comments. She lives here because of the area. She did not want to live in a dense housing area because she loves the country feel. She believes Matt has good intentions, but it is not what the area is supposed to be.

**Lyle Shakespear** - Understands the right and ability to develop. He and his wife moved from a subdivision to 50 E because of the larger lots and the feel of the area. He feels that the proposal does not belong in this area. If the city wants higher density, the existing feel should be taken into consideration. He suggested the transitional zone as it is more gradual.

**Commission Chair Michael Mowes** asked how many houses are in the subdivision behind him? He informed the Citizens that people were most likely opposed to the development they are in. Just about everyone is there because they built a house where there wasn't one before.

**Bann Matson**- 1 acre lot size. Everyone that is not Shoshone Indian. Is a recipient. If they were 1 acre lots, we would go for it. Moved here in 2012, something about being on a larger lot that creates a closer community. The magic of knowing your neighbors. 50 E is "magic". Asking for the caring capacity of the land, infrastructure. Suggested driving 3100 N in the morning. Doesn't fit the neighborhood. No transition. Not supported by the roads, ...hurts the feel of the community.

**Nancy Buckway** - Moved there 30 years ago. She watched all the other people build, but is fine with it because they have their space, gardens, animals, etc.

**Dave Hancey** - Great grandfather settled HP. Being on 50 East is just a "cool reverence". What is on the north side of that? What will they say? They want to follow suit, and so on.

**Janet Clegg** - It is hard to find affordable housing, but it is also hard to find 1 acre lots.

**Natalie Darley** - Lived there 17 years ago, no homes, welcomed neighbors. Loves the open feel, a neighborhood for kids, animals. Every other open space will be developed.

After an extensive and passionate discussion, **Mowes closed the public hearing.**

Allton clarified it is zoned for one-acre lots. Later, he corrected the property was rezoned to half-acre lots in 2022. [It has not been correctly updated on the County parcel viewer.]

**Matt Harris:** was approved for a rezone from A1 to RE 20. The development to the south was present for that. They are cottage homes. So, one person can, and I can't? 1.5 acres of land went to the city...loved the feel. The road changed the feel of his property. The road (600 S/3100 N) has already changed the area. Now has a fence, will have 65 new neighbors. Asks for the same consideration.

Brady: The city plan has a future land use map. PC doesn't change zones; we make recommendations to CC to change zones. We are the 1<sup>st</sup> "gate". The map says this property is R4. Any zoning that departs from the map would require the map to be adjusted. The consensus of the community is reflected on the map.

Allton: We could deviate from the map with backup data.

Commissioner Mowes: Mr. Nielsen sent letter to commissioners. Mowes received another letter, and an email. [See end of Minutes.] Mr. Nielsen gave us some historical information. Many years ago, the city wanted big open lots (1 acre and larger lots). Over time it became apparent that 1 acre lots don't pay the bills for the city. If the city maintains 1 acre lots, the citizens throughout the city will end up paying for it. The city cannot sustain 1 acre lots in the city, the tax base will not pay the bills. New roads would be chipped every 80 years. More housing is certain, it is a matter of controlling it in a smart way, so the city can pay the bills without doubling property taxes.

**Trevor Leavitt.** Concerned about attitude. He understands change but thinks dense housing is being preached to the public. He thinks they are being expected to "accept" the change. He recommended following the city plan and growing collectively.

Commissioner Mowes: Would prefer larger lots. He is not the one forcing high density housing, but he recognizes that without it, something is going to break...like the city. Mandates come from the state that require the city to have Moderate Income Housing. If you don't, the state penalizes the city \$250 a day and takes away our state road funds. The city is tasked to try and figure it out. Mr. Harris acknowledged that his environment has changed, and he is accepting it and adjusting. Unfortunately, 3000 houses in the valley need to be built and other cities shouldn't do all of the building. Hyde Park needs to do our share, or we will be paying fines.

Someone mentions all the increased sales tax along Wolf Pack Way. That will fund a lot.

Cox: City is taking different avenues to attract retail. He and Marcus are very engaged with developers and keep an eye on the state requirements. He explained that if we don't comply with the state code, the state will take over. The residents don't want that. Tough to "stretch" the dollars. All grants have match contributions, and they have been maximized.

**Marcus Allton-** Marcus presented slide show representing the cost of maintenance for roads, etc on 1 acre lots, half acre lots and .25 acre lots.

**Michael Tullis** - Frustrated about the "second agenda" at the meeting. Are my comments directly impacting decisions? We have not discussed how this impacts the city, only focused on the neighborhood. Leave 50 E alone. Had not considered Matt's dreams being affected. If any aspect of the decision is involved with finances...he would like to know why.

Mark Lynne: The proposal for R5 doesn't exactly jive with the site development standards. The townhomes can't be clustered together, could be a fit for R4.

Ned Hansen likes the feel of the 1-acre lot. Believes R5 should not be granted, does not meet the master plan.

Craig Whyte: Lives on a 1/3-acre lot. A middle school is being built behind his home. He understands transportation concerns, building concerns and respects landowner's desire to do what they want. References Reeder, Thurston, Balls, towards WP way, north of middle school. Any of these properties will be receiving rezone applications. He mentioned "not in my backyard". In 3-6 weeks, another community is saying that...so where? Public desire to maintain what we have.

Although recognizing the allowance in the general plan for higher-density development along arterial roads, there was a consensus to deny the rezone request.

Brady made a motion to deny the application for the Harris property rezone. Hansen seconded the motion. Motion to deny passed unanimously, 5/0.

Whyte noted this is only a denial of *this* application.

Brady said they anticipate receiving many applications and it is nerve-wracking. He encouraged the public to participate in meetings.

Mowes: The current RE-20 zone is a little less than 1/2-acre lots. The city plan could be R4. He could also do a PUD. He invites the public to subscribe to emails from the Public Notice website.

[Public Hearing and Consideration: Amend 12.270.050 Mixed-Use Zone Development Standards, subsection "Protection of Residential Property"](#)

Allton noted the existing code requires a 10' buffer and a 6' fence before you get to a building.

### **Mowes opened the Public Hearing**

**Tiffany Atkinson** - If we say it's a mixed-use zone, we should not require single family homes. Does not support the master plan. Determination of how big buffer should be.

Brady: We talk about gradient and transition, if we put a MXD zone adjacent, what is the transition? Why not let the ordinance dictate?

Mowes asked if single family homes are allowed in the Mixed-Use zone? Allton: SFDs are stated in the purpose, but states they are not required.

Hansen: What is the right way to do a gradient effectively? How to accommodate the people that are already there? Looking for suggestions.

**Tiffany Atkinson**: Re: homes on smaller lots. Hard for residents to embrace the transition, does not need to mirror what is across the street. She thinks the city should not tell the developers what should be done on their property. Suggested we be mindful of property rights.

Brady: We have multiple versions of the amendment language. Would Atkinson be open to "mini transition"? If it's not in the ordinance, we expose our neighbors. He asked if the concept is approachable of a mini transition.

### **Mowes closed the Public Hearing**

Allton noted he is going to Las Vegas to attract businesses to Hyde Park, and the incentive is the Mixed-Use zone. Adding more gradient hurts the opportunities for a business to find HP attractive.

Mowes does not believe there should be any changes.

Lynne noted there is not much room to work with on the Farley property. We could back up homes against the existing Cove development. They would not have to be SFD, they could be townhomes.

Brady likes that direction.

Allton said if we require single-family homes, we should reduce open space requirements.

The commission expressed the need for additional time to refine the language addressing resident and developer comments regarding buffer requirements in mixed-use zones. It was suggested to strike a better balance to accommodate property rights while still imposing enough control to maintain community integrity. The commission agreed to table this discussion for further refinement.

Brady made a motion to table it for now and work on improving it. Whyte second that motion. Motion passed unanimously 5/0.

### Consider New Ordinance 12.60.110 Nonconforming ‘Grandfathered’ Multiplexes

A few residential buildings in Hyde Park City have operated as multi-family units since before the first zoning code was adopted in 1978. This clarifies their status as legal nonconforming even if the base zone does not allow this kind of use.

Mowes: PC must approve a change to someone’s tax designation.

Hansen agrees with removing the table.

Allton: City staff does not want to “babysit”. Yes, it addresses the issues. We are not going to force people out of their homes.

Whyte: Does this address the major concern of the Thomas family?

Allton: We are changing the ordinance to make them legal to reduce the tasks of the city. A Conditional Use Permit would allow the same use for everyone – so long as they meet the criteria.

Lynne: Thomas’ home has had a ‘mother-in-law’ apartment for years.

The commission debated on the ordinance aimed at codifying the use of nonconforming, multiplex properties which had previously operated under grandfathered status. The intention was to simplify the process and remove the need for ongoing monitoring or reevaluation, thereby making it easier for city staff. Concerns were raised about potentially setting a precedent, inviting more property owners to seek the same status. The commission concluded they were not prepared to finalize this decision and voted to table this item as well.

Hansen made a motion to table it. Brady second that motion. Motion passed unanimously.

Whyte mentioned this is the 4<sup>th</sup> meeting considering the same item. We need to make a decision.

Mowes will not agree to another ‘table’ of this item.

### Consider Amending the City’s Rezone Application

A new draft rezone application was introduced, designed for clarity and conciseness. It streamlines the application process by removing detailed tables and hiding any need for text-based configuration. Attendees agreed positives yet acknowledged minor grammatical adjustments required before implementation. Brady suggested a reference to the future land use map. It was decided to implement the updated application upon revision completion. No vote needed.

#### Discussion Items: Bonus Density Amendments

This topic was briefly mentioned, referring to discussions about allowing an increased number of townhomes in transition zones to achieve a more balanced density. It was decided to address this subject in more depth later.

#### 12.270 Mixed-Use (MXD) Zone

Similar to the Bonus Density Amendments, there was an acknowledgment of dialogues around modifying townhome allowances within the Mixed-Use Zone. Since no comprehensive discussion took place, it was implied that further discussions would resume at a subsequent meeting.

#### 12.145.040 Residential Transition Zone Site Development Standards

The commission briefly contemplated changes to site development standards in the Residential Transition Zone. It was voiced that there is an ongoing search for a language that would justly represent transition without infringing on developers' rights. Discussion was foreseeably deferred.

#### New Zoning Map

Marcus brought attention to the 5th Wednesday meeting, proposing a workshop with the council and commission to hash out the New Zoning Map. This effort will also be inclusive of the Future Land Use Map discussions, aiming for an eventual public hearing and adoption.

**UPCOMING WORKSHOP (Public Meeting)**  
**for CITY COUNCILMEMBERS AND PLANNING COMMISSIONERS**  
**WEDNESDAY, MAY 29**  
**7 PM**

Brady made a motion to adjourn. Hansen seconded the motion. Motion passes unanimously.

**Meeting adjourned at 9:36pm.**

**2 Attachments** - Emails submitted by residents to the Planning Commission members.

**Attachment #1 – Email from Ben Jarvis, resident**

On Tue, May 14, 2024 at 4:46 PM Ben C Jarvis <[ben.c.jarvis@gmail.com](mailto:ben.c.jarvis@gmail.com)> wrote:  
I have been asked to expound some on why we are against this rezone and our thoughts going forward. Thank you for taking the time to read this.

We moved here about 25+ years ago mainly because of the rural aspect that Hyde Park emanated due to open green space and a few more animals than now. At that time my guess was we would be built up in 4-5 years. With a lot of effort from those that live here, that has not occurred.

There have been several times that we, along with neighbors, have come before the Commission and Council to voice our opinion about maintaining large lot sizes in this neighborhood.

The reasons vary from having fields for the kids to play in, raising animals, a sense of peace, being able to move around both inside and outside without feeling like a neighbor was right on top of us. These and more are some of the reasons this neighborhood has survived and flourished all these years. As I mentioned in my initial email, everyone that is living here made a conscious decision to live in this neighborhood rather than a more densely zoned area.

Without a doubt, there needs to be varying densities throughout Hyde Park. However, I believe that they should not be 'islands', but rather should transition rather seamlessly.

Again, in my humble opinion, having a density of 5x the neighbors is not a seamless transition.

The Champlin development is a good example of an island. While there is no transition, the borders of the Catholic Church and 3100 N/600 S can certainly help someone rationalize that it is placed properly. Crossing over that main Arterial road, it has become a natural border for our neighborhood with 1 acre lots. A neighborhood of responsible homeowners that take pride in maintaining their homes and yards.

Much like parts of Hyde Park will have neighborhoods with medium and high density, there will be neighborhoods such as ours that have low density. The diversity adds to the character of Hyde Park and meets the need of a group of homeowners as witnessed by the low turnover of owners, (not to mention those knocking on our door asking if we would sell our home).

Yes, Hyde Park has changed in the past 20 years and will continue to do so well into the future. Once again, now is the time to preserve the character of our neighborhood and collectively that of Hyde Park. It would be a shame to look back in 20 years and wish that more had been done to preserve the feel, appearance, and the various diverse neighborhood charms of Hyde Park.

It feels good to put these thoughts in writing and I appreciate you taking the time to learn more. I only hope it conveys why this is such an important topic for the Jarvis family and shared by our neighbors.

Respectfully, Ben

Ben Jarvis  
520 S 50 E  
Hyde Park UT  
435-757-0376

Planning Commission Meeting  
May 15, 2024

On May 13, 2024, at 4:36 PM, Ben Jarvis <[ben.c.jarvis@gmail.com](mailto:ben.c.jarvis@gmail.com)> wrote:

Good Day!

We write this today to urge you to vote against the Matt Harris rezone. Nothing against Matt, he is a good neighbor and a good human being.

This area has been zoned for larger lots since we moved here before the turn of the century. A lot of effort has gone into maintaining the reason we live here. While we cannot speak for all our neighbors, we are comfortable in saying that most every family moved here and intentionally purchased larger lots to enjoy the space, rural feel, and lifestyle we seek.

The character of our neighborhood, our community, is the larger lots, to lose this would be a shame.

Rezoning to a higher density does not fit well with all that we have tried to maintain. Especially with the Champlin development on the other side of 3100 N/600 S, protecting our large lots and open space is even more important to our neighborhood. This is the flavor and character of our neighborhood. It is our belief that this proposal is incongruous to what we have strived to protect for over 20 years.

We understand Matt's intention is to do what he believes is the best use of this ground. But beyond Matt, for our neighborhood, and for Hyde Park, we do not believe this to be the best use option.

Please vote NO on the Harris rezone.

Thank you for all your time and effort in making Hyde Park a great place to live and raise families!

Respectfully,  
Ben & Mary Jarvis  
520 S 50 E  
Hyde Park

P.S. I had hoped to be in attendance but will be out of town.

Ben C. Jarvis  
Hyde Park, UT  
Cell 435-757-0376  
[Ben.c.jarvis@gmail.com](mailto:Ben.c.jarvis@gmail.com)

**Attachment #2 – Email from resident group**

5/14/2024

From: South 250 E neighborhood group

To: Hyde Park City Planning Commission

Re: Mr Matt Harris Rezone application

Dear Members of the Planning Commission,

In response to the proposed rezone application of the Matt Harris property 235 E 600 S. We, the group listed below, homeowners contiguous to the property described in the proposed rezone application, are strongly opposed to the proposed rezone application.

Though we have varying concerns regarding this proposal, the underlying concern is the density and use this rezone potentially would allow. A rezone from Agriculture to R5 is a leap of several zoning districts toward higher density. We also have a common concern with the proposal of possible townhomes and duplexes (as allowed in the R5 zoning) proposed at the Eastern portion of this proposal.

In addition, we feel that there has not been enough time for the surrounding community to absorb the proposal, submit questions, and provide feedback.

Thank you for your consideration as you serve our community.

Sincerely,

Ilene Christensen  
593 S 250 E

Jim & Terri Patterson  
565 S. 250 E

Parker & Hannah Harrison  
549 S 250 E

Andy & Kelly Flygare  
529 S 250 E