

Town of Independence
Planning Commission Meeting
08/13/2025 6:00 p.m.

In attendance: Commissioners Maverick Bolger, Kurt Hoffman, Kim Tolbert, Will Duke, and Landon Owens.

Staff attendance: Chuck Richins, Jodi Hoffman, and Cathy Bingham.

Others in attendance: Joe Combs, Marty Howard, Christine Howard, Bonnie Wilson, Kay Ryan, Wayne Heaton, Greg Cronin, Sonya Duke, Dan Kendall, Cathy Kendall, Dave Mitton, Lindzi Bishop, Brett Peterson, John Bodine, Taylor Leavitt, and Daryl Brown.

1. Call to Order. Chairman Bolger called the meeting to order at 6:00 p.m.
2. Pledge of Allegiance led by Chairman Bolger.
3. Introduce new Planning Commission Members.
 - Will Duke and Landon Owens were introduced as new Planning Commission members. They were appointed by the Town Council at the May 20, 2025 Council Meeting.
4. Training: Planning Commission Duties and Administrative Duties.
 - The State requires annual training for all Planning Commissioners. A Planning Commissioner may not take action on an administrative matter delegated to the Planning Commission until the commissioner has received land use training.
 - Ms. Hoffman went over the duties and powers of Commissioners.
 - In Independence, the Planning Commission's primary role is to make important administrative land use decisions such as issuing conditional use permits and preliminary plat approvals.
 1. Planning Commission applies the law (Zoning Code and Subdivision Requirements) to the application that is submitted.
 2. When the Town was incorporated the 2008 County zoning was adopted. Any zoning changes must be approved by the Town Council (Legislative decision).
 - Legislative land use decisions, such as rezones and long-term planning goals, such as general plan revisions, are made by the Town Council, after an applicant, or the Council, requests a zone change or after the Council budgets for, and requests, a General Plan update. In either case, the Planning Commission's role is to recommend (either positively, or negatively) certain action to the Town Council. The Town Council is the only body that can make legislative decisions.
 - Under state law, Planning Commissions can convene only one public hearing for a Preliminary Plat.

1. Planning Commission can decide whether to approve, deny, or approve with conditions a Preliminary Subdivision Plat, based on a fair reading of the land use code.
 - Final Plat approval will be by staff (Town Administrator and Town Engineer) after the applicant has complied with all technical platting requirements and all Planning Commission conditions imposed at the Preliminary Plat approval stage.
 - Minor administrative decisions, such as building permits and certificates of occupancy, are made at the staff level.
 - There were no questions from the Planning Commission regarding the information presented in the training.
5. Consideration and possible adoption of draft minutes from December 13, 2023.
 - Commissioner Tolbert moved to approve the draft minutes for December 13, 2023.
 - Commissioner Hoffman seconded the motion.
 - The motion passed unanimously.
6. Discussion of the Preliminary Plat for the Center Creek Canyon Phase 1 Subdivision on Parcels 00-0020-7998, 00-0021-6225, and 00-0020-8007.
 - Ms. Hoffman gave a summary of the proposed subdivision plat. The staff recommendation for the Preliminary Plat was revised earlier today from 21 lots to 20 lots on 31.75 acres and 5.88 constrained acres (sensitive land which cannot be included in the density calculations). The applicant had understated the area of Constrained Land, which, upon final planning and engineering staff review, resulted in a decrease in one unit of residential density.
 - Chuck Richins (Town's Engineer) has worked with Lindzi Bishop (Developer's Engineer) to make sure the Subdivision Plat complies with the zoning code and subdivision infrastructure improvement requirements for these parcels.
 - This project complies with the Town's adopted 2008 zoning for RA-1 (1 unit per every 1.3 developable acres).
 - This request for approval is for Phase 1 which consists of 20 lots on 31.75. After the Applicant has agreed to the corrections reflected in the most recent staff report, (reflecting the change in lots from 21 to 20) subject to several conditions of approval detailed in the staff report, this Preliminary Plat application complies with the Town Ordinances.
 - Commissioner Tolbert commented that some of the lots were less than one acre.
 - Ms. Hoffman replied that as long as the total number of lots didn't exceed 20 equivalent residential units, and the frontage requirements for each lot were met, the layout in the plat complies.
 - Ms. Bishop, the Developers Engineer, presented visual representations of the project. Mr. Mitton, the Developer, noted that an 1867

Church/Dancehall building, which was owned by the original property owner, is being restored and located at the entrance of the subdivision. This will be a historical site preserved by the Utah Daughters of Pioneers. There will also be a covered pavilion for subdivision residents and their guests, a place for mailboxes, a community garden area, and an apple orchard on the 3-acres of open space at the entrance of the subdivision.

- Upon Ms. Hoffman's inquiry, Mr. Mitton confirmed that he would agree to an additional condition of Preliminary Plat approval that requires him to improve the entrance area open space as described this evening, and as shown on a three-color exhibit shown to the Planning Commission and the public.

7. Public Hearing on the Center Creek Canyon Phase 1 Subdivision.

- Chairman Bolger opened the public hearing at 6:27 pm.
- Brett Peterson asked why Phase 2 hadn't been included in the application.
 - Mr. Mitton explained that improvements needed to be put in Phase 1 before Phase 2 could start. Phase 2 is on a separate parcel. The development of the Phase 2 property will be looked at in the future. In the meantime, this Phase 2 parcel will continue to be farmed.
 - Mr. Mitton installed a Twin Creeks Special Service District sewer line in Center Creek Road from 3600 East to this development. He also improved the entire road (the Town code only required him to improve the road that was in front of his development). In addition to installing the sewer line he stubbed out 39 sewer laterals to residents along the improved road to assist residents on both sides of Center Creek Road as their septic systems begin to fail.
- Joe Combs asked why Phase 2 had less Constrained Area than Phase 1.
 - Mr. Mitton replied that Phase 1 has more restricted property along the canal which is included in the calculation of constrained area.
- Mr. Peterson asked if all the existing irrigation lines would be realigned.
 - Ms. Bishop said yes, all the lines will be replaced with new pipe and realigned as requested and approved by Center Creek Irrigation Company.
- Sonya Duke asked the Commissioners to please listen and address concerns from area property owners and place a moratorium on development until a new or updated General Plan could be done. She noted that this development did comply with the current Zoning requirements.
- Mr. Combs asked if open spaces were going to be maintained under a Home Owners Association. He said that sometimes property owners don't want to continue maintenance when the subdivision gets built out and the open space becomes a nuisance with no one maintaining it.

- Mr. Mitton said notes will be put on deeds letting property owners know they are obligated to the rules and by-laws of the Home Owners Association.
- Ms. Hoffman suggesting notes also be placed on the plat so the HOA couldn't unilaterally exempt itself from the obligation to maintain their subdivision. This HOA requirement will also be included in the CC&Rs, to which the Town will be considered an intended beneficiary, with veto power over any revision to the CC&Rs that would exempt the subdivision from common area maintenance responsibility.
- Dan Kendall asked if the Town and/or the Developer had any restriction about preserving habitat and wildlife. He asked if there were any plans to control/protect wildlife.
 - Ms. Hoffman said this project is on private property and the wildlife migration corridor is along the stream. Limiting fencing could also be a way of protecting wildlife, which the Developer could agree to in order to enhance the wildlife interaction within the property.
 - Commissioner Kurt Hoffman said the State Division of Wildlife Resources determines areas where wildlife is protected. The Jordanelle Basin is the only area in the County that is a protected corridor by the DWR. The Town of Independence is not a wildlife protection area.
- Mr. Mitton told the Commissioners that this Development wants to be a good neighbor. He takes pride in this development hopes residents will feel it is a great asset to the community.
- Public Meeting closed at 6:44 p.m.
- Commissioner Owens recused himself from voting. When he was appointed he told the Council of his involvement with this development and that he would recuse himself if there were Planning Commission decisions to be made regarding this development.
- Commissioner Tolbert asked Mr. Mitten if he had considered a lower density.
 - Mr. Mitten replied he had not. The Plat complies with the RA-1 Zone which is 1 unit per 1.3 acres.
- Chairman Bolger stated the development is being developed under the Town's 2008 adoption of the pre-existing background County zoning. Based on his review of the updated staff report, it appears that the application has met all requirements for Preliminary Plat approval, subject to specific conditions of Final Plat approval contained in the staff report and the Developer's commitments at the meeting. The Developer has not asked for any entitlements in excess of the zoning and has the right to develop the property under the current zoning. Commissioners may ask, but have no right to require, lower density or fewer entitlements than the Code allows. He appreciates the quality of the proposed development and recognizes the open space improvements to the subdivision entrance were not a Code

requirement, but are welcome, and certainly add to the long-term beauty of the development. He complimented Staff on the review and discussion of the project.

- Ms. Hoffman read the Conditions of Approval from the Staff report and added a 13th condition stating the Developer will landscape and improve the open space area as shown on the map (as the Developer agreed to this additional condition).
- Commissioner Tolbert asked who would maintain the roads.
 - Mr. Mitton reported the roads will be dedicated to the Town, therefore, the Town will maintain the roads.
- Ms. Hoffman recapped the discussion and, along with Chuck Richins, the Town Engineer, she recommends that the Commissioners approve the Preliminary Plat based on staff's assessment that, as conditioned, the application meets all Code requirements.
- Commissioner Kurt Hoffman made a motion to approve the Preliminary Plat of Center Creek Canyon Phase 1 with the conditions and changes as outlined for the Final Plat documents.
- The motion failed due to the lack of a second.
- Commissioner Tolbert said that after the public comments made at the Town Council Meeting on August 12, 2025, and because this is the first subdivision development to be approved in over a decade, she needs more time to make sure it's right before making a decision on the application.
- Commissioner Duke said that because the latest Staff report was updated earlier in the day, he also needs more time and wants to make sure the correct standard is set.
 - Ms. Hoffman stated that she understood the Commissioners' request for additional time.
- Chairman Bolger asked if under State Law there a time frame when default takes over because of compliance and the application is approved by default?
 - Ms. Hoffman replied that since the Preliminary Plat, as conditioned, appears to have met the Code standards, the Commission should meet and take action as soon as possible. She informed the public that there would not be another public hearing at the next meeting, as state law prohibits multiple public hearings on Preliminary Plat applications. In the intervening days before the next meeting, Ms. Hoffman urged the Commissioners to reach out to her, or to Chuck Richins, with any questions they have about the application before the next meeting so they feel fully prepared at that time.
- Commissioners Duke and Tolbert proposed to have the Planning Commission reconvene August 19, 2025, to further discuss, and possibly approve, the revised Preliminary Plat for the Center Creek Canyon Phase 1 Subdivision.

- Commissioners unanimously agreed to reconvene on August 19, 2025, at 6:00 p.m. for this limited purpose.
8. General Public Comment.
 - No general public comment.
 9. Adjourn.
 - Chairman Bolger adjourned the meeting at 7:15 p.m.

Dated this 19th day of August, 2025

Maverick Bolger, Chairman

Cathy Bingham, Town Clerk

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