

HYDE PARK CITY PLANNING COMMISSION January 2, 2019 Minutes

The Hyde Park City Planning Commission meeting began at 7:00 P.M. and was conducted by Chairman Brandon Buck.

MEMBERS PRESENT

Chairman Brandon Buck, Connor Balls, Mark Lynne, Tiffany Atkinson, and Gary Andersen

OTHERS PRESENT

Mayor Sharidean Flint, City Councilman Mark Hurd, PZ Secretary Melinda Lee, Kyle Gomm, Bann Matson, Scott Matson, Clay Jensen, Ryan Busenbark, Jerry Busenbark, Alex Lamb, Matt Clark, Camie Clark, Mike Christensen, Sam Balls, Eric and Becky Hatch, and Burke Nielsen (Community HOAM)

PRAYER OR THOUGHT – Gary Andersen

PLEDGE OF ALLEGIANCE – Tiffany Atkinson

APPROVAL OF MINUTES

Mark Lynne made a motion to approve the Minutes from the Planning Commission meeting held December 5, 2018 as presented. Tiffany seconded the motion. Brandon Buck, Connor Balls, Mark Lynne, Tiffany Atkinson, and Gary Andersen voted in favor.

BUILDING PERMIT REPORT

Visionary Homes	222 West 450 South	Home
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CITY COUNCIL REPORT

Mark Hurd reported City Council did meet today at 5:00 PM only to approve a vehicle lease program for the North Park Police Department. (6 minute meeting)

MAYOR UPDATE RE: P&Z VACANCIES

Connor is now a full member (not alternate) and Mayor Flint will finalize one of the alternate positions soon. She does not intend to fill the second alternate position. She commended the members for all their dedication and serving the community well.

PUBLIC HEARING – WHISPERING PINE GROVE SUBDIVISION (Administrative)

Brandon Buck opened the Public Hearing.

Brad Robinson disclosed his conflict of interest as the property owner and member of Hyde Park City Council. He showed the revised Preliminary Plat. This plat was not completed until this evening, thus was not available for review before the meeting by either the Planning Commission nor the city engineer. When he presented the change in the office days earlier (without detail), staff felt he probably did not need to meet with the LUA/DRC again.

Bann Matson asked when the city began allowing flag lots. She and others have tried for years to do flag lots on their property but have repeatedly been told no. She said it does not seem it should be allowed here.

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Mike Christensen questioned the flag lots as well. Does the stem count toward the acre minimum? Has the city verified the calculations? Is it one driveway all the way back? What about donating 10% back to the city? It seems crowded and a bad idea with a single access. Mark Lynne responded the 10% only applies to Bonus Density Subdivisions where the lots are less than minimum size.

Camie Clark just built next door and spent \$22,000 on curb, gutter, sidewalk and road improvements. Will Brad have to widen the road, pay for curb, gutter and sidewalk? Mark Lynne said Brad will have to dedicate 33' for road. It will align with Clarks but may narrow to the south. There will be land cut out for road and sidewalk along 50 East. Mike Christensen asked if the lots would still be large enough with the 33' road. Brad said his proposal meets the agreement between North Logan City and Hyde Park City that was made earlier.

Brandon closed the Public Hearing.

CONSIDER WHISPERING PINE GROVE SUBDIVISION (Administrative)

Tiffany asked Brad why not a cul-de-sac. She also asked about the safety. He replied a cul-de-sac would be more infrastructure for the city to maintain. Mark Lynne and Gary also felt this would be better served as a cul-de-sac. Gary does not want to see this type of development throughout the city.

Gary asked about fire protection and the four lanes of driveway. He also said because the engineering review is incomplete it is wise to get the full plan before deciding on this issue.

Brad Robinson said the fire department has four options and the "Y" concept worked best here. As for the driveways, he said there are other examples in the city and noted the 20' driveways meet ordinance. He reminded the Commission this is not about 'feelings' and urged them to set aside their feelings and vote on the issue as it complies with the ordinance. Brad has a shortened timeline and has been challenged already due to the holidays and a missed meeting due to a city dinner.

Connor asked if it would be one driveway. Brad is letting each property owner do his own. Mark Lynne asked about noting a fire easement on the plat. Brad consented. Mark Lynne also confirmed the engineer's thoughts about traffic. This would be better served by a cul-de-sac, then "the neighbors won't fight". Brad affirmed this conforms to code. Mark Lynne accused Brad of pushing the limits. Brad said he is abiding.

When asked about sewer access and depth, Brad said the line is 10'-12' deep at 50 East. Brad's project engineer, Mike Taylor, admitted lot 4 may need a lift.

Brandon and Melinda noticed flag lots are only allowed via Conditional Use and also require a Public Hearing with appropriate notice. Melinda did not receive an application thus did not specify the Conditional Use Permit in the first notice. Brad will submit an application and Melinda will notice this item again in the newspaper. Mark Lynne made a motion to continue this item until proper notice has been made for the flag lot Conditional Use Permit and until the engineer has had time to do an appropriate review of the proposal. Gary seconded the motion. Brandon Buck, Connor Balls, Mark Lynne, Tiffany Atkinson, and Gary Andersen voted in favor.

PUBLIC HEARING – CONDITIONAL USE PERMIT FOR REDUCED PARKING REQUIREMENTS (Admin)

Brandon Buck opened the Public Hearing.

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Clay Jensen referenced HPC ordinance 12.070.030 section A which states if their type of business is not listed they submit a parking plan and request approval via Conditional Use Permit. The owner intends to build a 20,000' square warehouse and lease the entire building to USU/Space Dynamics Laboratory for at least 10 years. USU/SDL claims to only need 5-6 stalls/day. He said he had multiple conversations with Susan Balls, Darrin Hancey and Scott Archibald (city engineer). The LUA came up with 81 stalls for the proposed use (including the existing building to the west and the new building) - not near enough for retail use. If the use of the building changes, they will add more parking. They feel 57 stalls is adequate but their plan allows for 81 as requested. If it changes to retail in the future they will use the east side of the building to add more parking.

Brandon closed the Public Hearing.

CONSIDER CONDITIONAL USE PERMIT FOR REDUCED PARKING REQUIREMENTS (Administrative)

Mark Lynne said he doesn't understand the future of the east of the building because it is not drawn on the plans. Secondly, the CMPO road is now 99' ROW instead of 80' ROW as before. Mark wants to see a drawing now of the future parking possibilities. He also questioned underground storm water retention when the water is only a foot below ground now. Clay addressed the storm water issues and said the underground storm water retention was Scott Archibald's idea. Right now they just need the parking approved for the current use of the building. Mark said the drawings should be done now in case it cannot be done in the future when use changes. Gary agreed that seeing the drawings now make for better foresight in the future. Mark noted the four shop doors on the east side but no plan as to use and parking in/around those. He also noted this is an industrial type building which, per the Master Plan, is only allowed west of the highway. The building permit could be denied on that alone.

Clay claimed he has done everything asked for at every meeting, at every level. Part owner Jerry Busenbark also spoke about the difficult process. Both described frustration over changing requests. They are not trying to cut corners or ask for favors. They have been asking since early October and get different answers every time. He said the city wants businesses to come in but they are not making it easy for that to happen. He begged the Planning Commission to give the permit now for the current use. Please don't delay us any further.

Mark Lynne responded the requirements are in the ordinance and the ordinance has not changed. Project engineers are expected to read, understand and abide by the ordinance. If something is brought up in LUA/DRC or elsewhere it is because the engineer either did not read the ordinance correctly or did not follow through on it. He shared sympathy for the slow process. City government does not move fast. The ordinance itemizes what is required. Your plan shows nothing for the east side of the property, including the CMPO road and the additional 10' road dedication needed.

Brandon verified that an additional 10' is needed for the CMPO road. Jerry Busenbark claimed none of these issues were brought up at either LUA meeting. Commission members looked again at Scott's review of the project. Gary was sympathetic to their plea and hoped to find a way to help them complete this project in a timely manner.

After verifying the length of the lease with USU/SDL as 10 years, Brandon made a motion to approve the Conditional Use Permit for 81 parking stalls for the two combined properties and buildings, for a period of 10 years, or until the use/purpose of the building changes, whichever comes first. At that time the parking needs to be readdressed. Gary asked if that includes a change in the number of employees. He also asked Mark about the building complying with the zoning ordinance. Mark Lynne said this is only allowed in the Industrial zone, 2 blocks west of the highway. That is why he was trying to tie in the

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future retail use to make the building itself legitimate. Mayor Flint was still in attendance and reminded the members if an issue meets current ordinance it must be approved. Gary then seconded the motion. Brandon Buck, Connor Balls, Mark Lynne, Tiffany Atkinson, and Gary Andersen voted in favor.

Mark Lynne noted we need to get the additional 10' of road dedicated to the city, for the CMPO road, *prior* to issuing the building permit.

PUBLIC HEARING – ADVANCED DOOR CONDITIONAL USE PERMIT FOR SIGNS (Administrative)

The Public Hearing was opened and closed with no comment.

CONSIDER ADVANCED DOOR CONDITIONAL USE PERMIT FOR SIGNS (Administrative)

As part owner of Advanced Door, Kyle Gomm answered as best he could. Mark Lynne had two comments:

1. At 21', the height of the pole sign is 1' too high. The maximum height allowed is 20'. The post may be reduced from 10' to 9' to fit the 11' high sign.
2. The pole sign also must have a 20' setback. The drawing shows 2'.

Kyle responded to the second issue that years ago there was a mistake on the city side regarding property lines and approving the wrong set of plans. Advanced Door poured concrete. A compromise was made. The neighboring property owner to the west is very mad. On Advanced Door property, the sidewalk is not the property line. The sign is in fact off 20' from the property line.

Mark Lynne made a motion to approve the two signs as long as the pole with sign is not taller than 20' and has a setback of at least 20' off the property line. Connor seconded the motion. Brandon Buck, Connor Balls, Mark Lynne, Tiffany Atkinson, and Gary Andersen voted in favor.

PRESENTATION BY BURKE NIELSEN, COMMUNITY HOAM

Burke said HOAs do not succeed because there is nothing in place to guide their actions. They struggle with participation. In order for cities to ensure they are set up properly, cities should avoid private infrastructure and ask for a reserve study (professional evaluation) and a budget. Thirty units is considered a 'small' HOA, in some cases, 'really small', it depends on the amenities included. The State of Utah passed legislation requiring every HOA to conduct a reserve study but the law has no 'teeth'. The homebuilders association has influential lobbyists who made it so that does not need to happen until every lot is sold. Levels of funding vary greatly – some baseline, some threshold, some full. When asked about insurance coverage for infrastructure, he replied policies generally only cover accidents, not wear and tear. He estimated the average cost to be professionally managed runs \$10-\$20/month per door. That amount goes up for smaller groups, down for larger groups. Burke said the problem with HOA boards and members is "they don't know what they don't know". They do not realize what they are responsible for and how much repairs and maintenance cost.

CONSIDER AMENDING FENCE AND ANIMAL ORDINANCES TO ALLOW ELK RANCHING (Legislative)

Mayor Flint and Councilman Randall directed the Planning Commission to prepare amendments so City Council may decide if they want to allow this proposed project in this area. When Brandon asked what if there is not enough support at the Planning Commission level, Mayor Flint replied it was not a Planning Commission decision. Councilmen Hurd and Robinson and Planning Commission members questioned that direction but will comply. With the lack of clarity, Mark Hurd suggested the Planning Commission deliberate and come up with a Planning Commission recommendation. The direction from City Council seems to be: 'Review and report'.

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When asked how many bulls per acre he plans to have, Sam responded that is contingent on the use, purpose. Brandon noted the state recommends no more than two bulls per acre. Later Gary asked Sam for clarification. Sam responded he would not have over 40 elk.

Connor said elk are quieter than cows. Sam verified he could put a bunch of dairy cows there. Gary noted the city restricts animal rights and said he is not a fan of this proposal. If allowed as a conditional use, they could specify a maximum head count. When he asked if they were state regulated, Mark Lynne affirmed that and said all state regulation overrides the city anyway.

Mark Lynne questioned why the current ordinance allows more animals per acre in A-1 (agricultural) than in residential zones. He suggested dropping the 4.0 AEU to 3.0 AEU for all residential areas (including A-1). He also proposed changing the acreage requirement to be the “fenced area” not the total parcel. Tiffany fully agreed with this concept. His prepared amendments included 7.10.130 to change “prohibited” to “State regulated” animals and adding brief explanations and Utah Code references.

Brandon walked the group through his prepared amendments. He added the use as a “Conditional Use”, referencing elk and a proper building permit. He changed 7.10.140 to add “wild” in regards to attracting and feeding of deer, elk or moose within city limits. He also amended the fence ordinance (12.30.080) to allow an exception to the 7’ maximum height for containing animals.

Councilman Robinson interjected his thoughts of addressing single items: firsts the fence, then the feeding of ‘wild’ animals, but not restricting it to elk alone, in case someone wants llamas.

Mark Lynne made a motion to:

1. Reduce the AEU for A-1 from 4.0 to 3.0 (7.10.070 C)
2. Add a restriction for the minimum lot size to keep medium and large animals be based on the fenced area, not the total parcel. (7.10.070)
3. Move his 7.10.130 amendments (which reads ~~Prohibited~~ “State Regulated” Animals and adds explanations, examples and references the state code) to replace Brandon’s 7.10.080 amendments, making it a Conditional Use, keeping Brandon’s edit referring to a building permit for the fence.
4. Amend 7.10.140 to add “wild” before “deer, elk or moose..” to the heading and the first line.

Arguments ensued regarding privacy fencing over 8’ and Mark’s first two amendment items. Connor felt those were separate issues and should not be amended at this time, in this way, without public input.

Tiffany seconded the motion. Connor offered a substitute motion to drop the first two items of Mark’s amendment. Gary remembered the last changes to the animal ordinance had much work, public input, and research and should not be amended so lightly.

Mark Lynne accepted the substitute motion. Tiffany was uncomfortable dropping those items. She felt they were needed and appropriate. Melinda reminded all of the previous issues where AEUs began at 1.0, instead of 0.75 but a handful of people lived on a half-acre parcel and had two horses. The changes would make them out of compliance, not to mention angry.

Connor seconded the substitute motion. Brandon Buck, Connor Balls, Mark Lynne, and Gary Andersen voted in favor. Tiffany Atkinson voted against due to the dropped first two items. Gary verbalized again his opposition to the cow/calf operation.

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CONSIDER UPDATES TO THE PLANNING COMMISSION ORDINANCE (Legislative)
Continued

Meeting adjourned at 9:55 P.M.

Melinda Lee, Secretary