

MINUTES
PLANNING COMMISSION
EPHRAIM CITY HALL
5 SOUTH MAIN, EPHRAIM, UTAH
OCTOBER 10, 2018
6:00 PM

Board Members Present: Chair Lisa Murray, Larry Griffeth, Craig Rasmussen

Board Members Excused: Stephen Cornelsen, Darren Glather, Lemar Hanson, Rob Nielson, Dennis Nordfelt, Alma Lund

Staff Present: Community Development Director/City Engineer Bryan Kimball

Others Appearing:

CALL TO ORDER

The Ephraim Planning Commission convened on Wednesday, October 10, 2018, in the Ephraim City Hall Board Room. Planning Commission Chair Lisa Murray called the meeting to order at 6:00 p.m.

I. AGENDA

A. APPROVAL OF MINUTES

Minutes were not approved as a quorum was not present.

II. STAFF MEMBER REPORT

Bryan Kimball, Community Development Director/City Engineer

2018 Fall APA Conference Report

Group Homes – Group homes are a protected class. If the City approves a residential home in an area, a group home must be approved as well. A city can regulate how many people may go into the home. Cities are warned to be careful how they regulate these types of homes due to potential discrimination issues. Ephraim City currently does not address group homes in its code, Bryan recommends updating City code to address that issue.

Multi Family Homes – A Developer gave the class a peak into their side of development; cost of land, rent, parking, etc. It was helpful to understand the challenges that developers face.

Conditional Use Permits (CUP) - The State changed the laws on CUPs a couple of years ago and there are many cities that have not updated their code to comply with those changes. Utah code states that if an applicant applies under a CUP and meets the reasonable conditions already defined in ordinance, the applicant must be approved. City ordinance must be as clear as possible; take out any language stating that a city can reject an application. If the applicant meets the code, the application must be approved.

Accessory Dwelling Units (ADU) – ADUs are getting a lot of attention in Utah. Ephraim's Stonecroft housing is doing well because the units are well built, the property is well taken care of and managed. Many cities are requiring that ADUs have an on-site property manager as a condition of approval.

Land Use Table – It is suggested that cities clean up their Land Use Table. The goal is to consolidate individual uses into categories. Bryan gave the Planning Commission examples of how Ephraim City could consolidate the Land Use Table into smaller categories that cover a broader spectrum. It's important to make sure that the table is consistent and does not conflict with City ordinance.

Grandfathering/Vested Rights – Grandfathering a property and vested rights is an important issue. Utah law states that if there is any gray area in the interpretation of the land use code, cities must favor the land owner. A law suit from Moab was discussed. The law suit was lost because Moab's City Council made a decision based on public clamor instead of interpreting the code in favor of the land owner. It is important that Ephraim City understand how to apply the law.

Nonconforming Uses – If a grandfathered property is found to be nonconforming, cities have some room to require compliance; care must be used in doing so.

Moderate Income Housing Plan – It is required by State law that Ephraim City have a Moderate-Income Housing Plan. The City currently has one that should be updated.

Schools - Schools are considered a political subdivision; equal to a city. The State is a political subdivision as well, but higher than a city. Can a city regulate schools that are in City limits?

The question was asked if City utility services could be denied, based on water supply or sewer capability.

Impact fees have been discussed with legal counsel and it was determined that cities cannot make schools pay impact fees. Nowhere does it state that cities are required to provide

services to schools. It is suggested that there is a discussion beforehand between the schools and City to work it out. The schools are Ephraim City's highest water users.

Permitted Uses - If a use is permitted in City code, it cannot be denied. If room to deny something is necessary, put that in the code. Permitted uses are approved at staff level. This puts the burden on the Planning Commission and City Council to ensure that permitted uses are where they need to be.

Discussion of City Planner Hiring Process - The position of City Planner was advertised in 2018. After the interview process, an applicant was hired, unfortunately it did not work out. The City then promoted the City Treasurer, Leah Romero, for the position. A transition period is expected for office staff, as this move required the hire of a new Treasurer and Utility Billing Clerk. Planner is a big job with a large learning curve. Leah was already processing business licenses and was familiar with zoning; it was a good fit. She will be taking over some planning duties and Bryan will be phasing out. Bryan will now have the time to focus on other projects. It will also allow Ephraim to complete some needed updates to code and zoning, best practices, etc.

Tunnel Update – The water pipe is completely laid. Now the concrete must be done. There has been a lot of opposition, especially with the snow. If there is not a break in the weather the crew will have to be done for the year.

New Well – The test well is completed. Test samples came back very positive with no violations. There were a few delays due to the Water Smart Grant; nothing can move forward until that is figured out and Ephraim is assigned a project manager. Ephraim is still hoping for some grant money from the Corp of Engineers. If the City is approved for that grant, it will be used to improve infrastructure. The Corp came and did a site visit, Bryan believes it was beneficial to the approval of the grant. The grant could be close to two million dollars, which would be substantial. Regardless, Ephraim must put in the well. The goal is to complete the well by late winter, early spring.

New Annexed Property - All annexed property that was not close to current zoning in the Master Plan was zoned as Agricultural. Zoning in this area is included in the update for the Master Plan. A lot of infrastructure is needed in that area. Grants are being looked for to help fund that.

Flooding – Applications were submitted for grant money to take care of flooding issues. FEMA maps are coming in slowly and confirm that Ephraim cannot adequately handle a 100-year flood. Work is needed to rectify that situation.

Traffic – Concerns were raised over the traffic around the college. The question was asked as to whether Ephraim was going to be able to add more traffic lights.

In order to add traffic lights to Main Street, a formal engineering study must be done. If traffic does not reach a certain threshold, Ephraim would not qualify for another light. A study was

done a few years ago at the intersection by City Hall. A light was denied because Center street did not have enough east/west traffic.

Business owners at 700 North have requested a light. A recent study was done to count the vehicle and pedestrian traffic, the results are not in yet.

ADJOURNMENT

There being no further business to come before the Planning Commission for consideration, Planning Commission Chair Lisa Murray adjourned the meeting at 7:00 p.m.

The next regular Planning Commission meeting is scheduled to be held on January 9, 2019, starting at 6:00 p.m. in the Ephraim City board room.

MINUTES APPROVED:

Lisa Murray, Chair

Date

ATTEST:

Leah Romero, City Planner

Date