

**HYDE PARK CITY
PLANNING COMMISSION MEETING
September 2, 2020
Minutes**

PZ Meeting began at 7:00 pm, and was conducted by Chairperson Tiffany Atkinson.

MEMBERS PRESENT

Chairperson Tiffany Atkinson, Mark Lynne, Derek Grange, Trent Hagman and Rachel Erickson

OTHERS PRESENT

Councilmember Karl White, Matt Nielsen and PZ Secretary Melinda Lee

PRAYER OR THOUGHT – Tiffany Atkinson

PLEDGE OF ALLEGIANCE – Mark Lynne

APPROVAL OF MINUTES – August 19, 2020

Mark Lynne made a motion to approve the Minutes as presented from the Planning Commission Meeting held August 19, 2020. Rachel Erickson seconded the motion. Tiffany Atkinson, Mark Lynne, Derek Grange, Trent Hagman and Rachel Erickson voted in favor.

BUILDING PERMITS ISSUED

Home	Harley Rich	496 North 100 East
Addition	Chad Roper	522 North 800 East
Pool	Brandon Stephens	655 East 150 South
Retaining Wall	Jordan Connor	83 North 1000 East
Addition	Bryan Cox	102 North 300 East

CITY COUNCIL REPORT

Councilmember Karl White reported on City Council Meeting held August 26, 2020.

1. Approved Mt. Gate Preliminary Plat Phase 5 with technical cleanup.
2. Many street signs have been stolen. It is expensive! (Cost over \$5,000 so far) Looking for ideas.
3. Discussed ground water problem along 100 West and 520 South cul-de-sac. Karl and others will meet tomorrow to deal with it.
4. New park nearing completion. Should be in shape by this fall.

CONSIDER MOUNTAIN GATE SUBDIVISION 5-1 FINAL PLAT (Administrative)

Matt Nielsen updated members on the water easement: 1' foot gravel, 5 foot concrete (not pavement), and 9' gravel as suggested by Charles Wheeler during City Council. Brett Knight and the City Engineer were present at that meeting. Lot 117 is the Bonus Density lot. Some members raised concerns over addressing, but it appeared correct in the end. The open space will NOT be dedicated to the city, but will remain with the HOA. Karl reminded Matt of HOA issues.

Melinda requested again that these phases be labeled "A" through "D" not "1" through "4" as that is confusing with the ongoing phases 1 through 5. Melinda also asked who will own the open space on the hill in Phase 4. It will not belong to the city, nor to the HOA. Matt intends to join it to Jack Nixon's property to the east. Jack can then develop it along with his property (as trails, horse property, etc.)

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Until then, Sierra Homes will maintain the land. Karl wanted clarity on what 'maintain' means for Sierra Homes until the property goes to Jack.

Mark made a motion to accept the Mountain Gate Phase 5A (not 5-1), with the open space given to the HOA and lot 117 as a Bonus Density lot. Derek seconded the motion requesting a promise (in jest) of no more revisions to the plat. Karl said he was concerned that everything would be correctly submitted and recorded as such. Melinda assured him Donja prepares a Development Agreement that includes everything from all Minutes of every group (DRC, PZ, and City Council). That document is reviewed by others (including Mark Lynne) before being offered for signatures. Tiffany Atkinson, Mark Lynne, Derek Grange, Trent Hagman and Rachel Erickson voted in favor.

CONSIDER AMENDMENTS TO HPC CODE SECTION 7 ANIMAL CONTROL (Legislative)

NPPD Officer Krebs knows of at least 2 instances where residents are hoarding cats. HPC ordinance does not address 'hoarding' thus Officer Krebs cannot enforce anything.

Karl believes if we specify an allowed number of dogs, we should specify the number of cats allowed. Trent said Cache County allows 13 cats. If anyone wants more, they need a permit. Derek asked what North Logan allows. He likes the idea of having the same allowances of animals as North Logan because we share a police force and Animal Control Officer. Karl said a certain number of people will always obey the law, and a certain number will always need enforcement. Having too many cats can cause health problems to whole neighborhoods and cities. Trent said some farms could easily have more than 4 cats. Members considered allowing more cats on farms than homes. Tiffany wondered about specifying 'residential' neighborhoods. Karl said you could specify a zone. Melinda pointed out there are no real 'farms' left in Hyde Park City limits. Members did not like the vague definition of 'hoarding' proposed by Melinda and Officer Krebs. All agreed it should have a number (even if not enforced). Derek cited the recent mask mandate in Logan City where he knows of no enforcement. Most felt owning 6 cats was okay, 7 is too many.

Mark made a motion to add 7.30.040 "E. No person(s) at any one residence shall have more than 6 cats." Rachel seconded the motion. Tiffany Atkinson, Mark Lynne, Derek Grange, Trent Hagman and Rachel Erickson voted in favor.

CLARIFY LOT LINE ADJUSTMENTS, LOT SPLITS, MINOR SUBDIVISIONS (Legislative)

Derek asked Mark Lynne to clarify lot splits vs. Minor Subdivisions. Derek played 'the Devil's advocate' and wondered if we are requiring too much when they simply want to split a lot. Mark noted if they phase the subdivision, they could phase the infrastructure as well. Tiffany said when property is split in Bear Lake, the property could not be split again for 5 years. Tiffany wondered about something similar, but perhaps with a shorter time – 6 months. Mark is surprised they can put a time limit on it if it meets ordinance. It is beneficial to the city and to the developer to follow the Minor Subdivision process. Mark recommended "Lot Split" be removed from the chart 12.40.080. For simple lot splits, phasing Minor Subdivisions is the answer. Removing "Lot Splits" from the chart may simply be a clerical correction because the ordinance does not address "lot splits" anywhere else.

Tiffany wondered if the "phasing" option should be noted in the Minor Subdivision ordinance. Mark read in the Minor Subdivision ordinance a reference to the Standard Subdivision which allows phasing. Everything not specifically mentioned in the Minor Subdivision reverts back to Standard Subdivision

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rules. Derek made a motion to remove “Lot Split” from chart 12.40.080. Trent seconded the motion. Tiffany Atkinson, Mark Lynne, Derek Grange, Trent Hagman and Rachel Erickson voted in favor.

CONSIDER OTHER CLARIFICATIONS (Legislative)

(1)

- Can **Master Trails** development go toward Bonus Density requirements?
- Is **Bonus Density** measured off of usable land area, or total land area?

Mark explained the unique situation with Jack Nixon’s property, proposed as Juniper Trails. They are complying with the Master Trails Plan, but are willing to give us extra land (in width) than just the trail requirement. Mark feels the extra land should be deducted from the 6% required bonus density land. Problem: Scott thinks it should be calculated on the value of the land. Mark said our ordinance only addresses land area, not “value”. Karl wondered if Bonus Density land could be based upon “buildable area” instead of total area. Rachel pointed out we ask for Bonus Density to offset cost. If they give us more land it does not offset any cost. In DRC, Nixon’s engineer Dan Turner said he would stake the trail so City Council could view the trail. Karl feels he is giving us unbuildable land so he should not get additional lots. Karl and Mark said you do not count land area given unless it is ‘buildable’. Trent quoted 13.30.040 B. 3. b. which states “for the exchange of usable open space”.

Example:

6’ improved trail

1’ on each side

Total - 8’ required dedication to city

The total extra land (12’ if the city wants a 20’ corridor dedicated), if usable, should be added up in length then subtracted from the total bonus density requirement of 6%. It may leave 4% or 5%. If it is deemed unusable, it should not be used in any calculation. Should “usable” be replaced with “buildable” land? Mark noted there is still a lot of unfinished business to take care of before this project has concrete plans.

At the DRC meeting, Scott Archibald mentioned the city may want to retain the land just to the east of the current water tank to someday install a second, bigger capacity water tank. Ideally, this would be one of the Bonus Density lots given to the city.

(2)

HPC code should **clarify “detention” vs. “retention” ponds**. Karl said our ordinance almost uses them interchangeably. Mark said our ordinance only has one reference to “detention” ponds – “12.30.150 D. 1.” It seems we do not have such a thing as a retention pond. All have been meant to slow movement, but eventually release it. Karl asked as we approve plats, let us appropriately label them going forward. There will be times for both. Subdivisions may have detention ponds, but ultimately subdivisions should completely retain their own water.

Detention: slow movement of storm water

Retention: keep storm water indefinitely

Derek said in Hyrum now they use all park strips (as depressions) for storm water movement. All driveways must have a culvert under the driveway. Mark thought maybe we should move toward that.

CONSIDER AMENDMENTS TO THE SUBDIVISION ORDINANCE (Legislative)

Item continued.

CONSIDER CREATING A COMMERCIAL SUBDIVISION APPROVAL PROCESS (Legislative)

Item continued.

CV TOUR (FIELD TRIP) REPORT

Mark, Rachel and Melinda traveled around the valley and to Brigham City to tour various projects. Mark said Malouf should sell tickets to their facility. He could not believe that facility existed in Cache Valley.

Tiffany said Councilmember Allred requested an ordinance prohibiting residents parking on lawns. Tiffany is torn between property rights and nice-looking neighborhoods. Mark said current ordinance states if vehicles are registered they are okay, if not registered, vehicles must be in back yard.

Meeting adjourned at 9:10 P.M.

Melinda Lee, Secretary