

**The Minutes of
Honeyville City Planning Commission
February 24, 2021 Regular Meeting**

Bob Kosbab called the meeting to order at 6:59 p.m.

Present were Chairman Bob Kosbab, Commission Members Ryan Adams, Kenny Funk, Laura Hunsaker, Codey Illum, Cherisse Kaminska and Staci Zilles-Nelson.

Approximately 17 members of the public were present.

Kenny Funk offered the Invocation and led the group in the Pledge of Allegiance.

CONFLICT OF INTEREST, IF ANY: None Noted

PUBLIC HEARING: POTENTIAL REZONE FROM A-20 TO A-5-AVERAGE

CODEY ILLUM motioned to open the Public Hearing for a Potential Rezone from the A-20 to A-5-Average at 7:00 p.m. **KENNY FUNK** seconded the motion. **MOTION CARRIED** with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

Megan Miles stated that she is the active agent for the Millsap's in regards to the rezone. She stated that if the rezone were approved the Millsap's would retain 14.5 acres and sell 5.5 acres to the Miles'. She proceeded reading code regarding the A-20 zone along with other information. She had consulted with the Ombudsman's office and received feedback that the rezone would be acceptable. They would like consideration of what is best, ethical and best for the community.

Rusty Bingham 3366 W. 7720 N. addressed the commission. He felt that changing this zone will make the existing homes non-conforming. He felt that this would set a negative precedence. He is concerned about homes being built on top of each other. He requested they do not approve this rezone.

Micah Miles the applicant, wanted to clarify that the rumors of apartment complexes is not a valid concern due to the zoning. He also stated that the 20-acre parcel was not set up to be left as an open space forever. The Miles would like 5.5 acres for their home, to grow hay and raise livestock. He stated that the Millsaps plan on continuing farming on the remaining portion of the parcel.

Aaron Kuck 3430 Windy Poplars moved here to escape the city life. He has been disappointed with the contention in the neighborhood and felt that the landowner should have reached out to him to discuss issues. He is not in support of this rezone.

Mary Bingham 3525 W. 8000 N. quoted Spencer Cox where he shared that communities need to look ahead to solve problems before they become a crisis. Approval of this rezone will create non-conforming lots.

Lee Lorimer 3486 Windy Poplars stated that he does not want to prevent people from utilizing their land how they would like, but he is concerned about exceptions being made for some and not for others.

Sharon Lorimer 3486 Windy Poplars stated that subdivision approval is an administrative action and quoted sections of the code (10-10-7). She also quoted Brent Bateman, a Land use Attorney, who shared that the city can use zoning to decide what a city wants to be, but that there is a limit and the city cannot go too far. The general plan states that a rural lifestyle must be maintained and protected. She is concerned about pushing out the farmers of the community.

Jason Munns 7972 N 3300 W is ok with the rezone going through. He stated that property all around him could be broke apart into subdivision if they chose to.

Jason Zundel 3324 W Windy Poplar he was ok with the Millsaps building wherever they want on their property. However, he moved from Perry to Honeyville because a home was built in his backyard and he would not like to see another subdivision over by his home.

Jim Keller 7971 Windy Poplar he thought he was already in a 5.5 average. He is ok with the rezone. He would rather see nice homes rather than a pig farm or feedlot. He felt that there was a fine line with maintaining farming and residential. He takes issue with the largest landowner on the street not being able to have a say on what he does with his property. He doesn't see any adverse effects from this. He expressed the possibility of tabling the rezone until more information can be gathered rather than denying it.

Angela Millsap 7710 N 3600 W stated that she is the landowner of the 20-acre lot being discussed. She stated that if the city becomes too regulated, they end up taking without getting anything in return. Her land use consultant stated that the 20-acre parcel is locked up with no benefit to the landowner. She stated that if the subdivision goes to A-5-Average then none of the lots would be non-conforming. Currently the density is 1 house to every 5 acres.

LAURA HUNSAKER motioned to close the Public Hear and to Reopen the Regular Planning Commission Meeting at 7:27 p.m. CODEY ILLUM seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

ACTION ITEMS:**A. REZONE APPLICATION: MEGAN MILES**

Codey I reminded the public that the Planning Commission is not the final Land Use authority, rather they make a recommendation to the City Council. **Kenny F** wanted more feedback from landowners who were present who had not expressed their opinions. Those that did not comment stated they are at a no or undecided. There was further discussion about rezoning the entire subdivision rather than just the A-20. However, in order to do that every land owner would have to give approval and it was clear that this would not happen. **Laura H** clarified that the Planning Commission did make a recommendation to do away with the A-20 in the future, however the current A-20 would remain A-20. **Codey I** felt that land owners should be able to do what they want within the parameters of the city but he is concerned about the Windy Poplars area as there are already issues with the existing subdivision. He would like to see a concept plan before he makes a decision. He felt that the subdivision needs to be fixed before they add to it. Before the commission allows it to move forward, he would ask that the landowners go to an engineer and come back with a concept plan. **Laura H** does not want to send the land owners on a wild goose chase unless they know if they will allow it to be rezoned or not. **Codey I** reminded the commission that once it is rezoned the city loses the ability to decide if there is future growth. **Bob K** pointed out that the existing lots would not have been approved the way they currently are without the 20 acres staying how it is zoned. **Aaron K** stated that they just moved in and he would like to see further information gathered. **Laura H** stated that the commission has had trainings on land use. She clarified that the commission is bound by the city code and read from the code regarding the A-20 zone which states "after completion of the subdivision, the remainder of the original lot is at least 20 acres. The remainder of the original lot shall be deemed one lot subject to the development standards of the A-20 zone and shall not be further subdivided so long as the subdivision remains in the A-20 zone." **Codey I** felt that the ordinance is pretty clear. **Ryan A** asked if one home could be built on the current 20 acres. It was clarified that yes in fact one home could be built on the 20 acres as currently zoned. **Devyn Spencer** expressed concern about what types of homes would be built if they were allowed to subdivide. She was worried about future Air B&B's and the effects of smaller homes coming in and effecting the value of her home. She was also concerned about the type of people that would be coming in and out of the neighborhood should Air B&B's be built as this could affect the safety of her children. **Laura H** asked how the area was marketed to them when the original area was subdivided. **Lee Lorimer** stated that they never knew there was going to be a subdivision. It was their understanding they were purchasing a lot surrounded by farm ground. **Angela Millsap** stated that they were also unaware that this area would be developed. **Scott Spencer** felt that it is the owner's responsibility to do their due diligence. **Mary Bingham** stated that where the Lorimer's built was zoned A-5 and that the zone was changed without neighbors being informed. **Rusty Bingham** stated that

he did his research and that the area is zoned A-20 and only allowed for one more home. **Bob K** felt that they have to switch the entire subdivision or not at all. **Codey I** was concerned about the wording “for the foreseeable future”. Recommendations can be made with conditions, but the council is the final land use authority. **Kenny F** is struggling with section 10-10-7 of the code.

LAURA HUNSAKER motioned to deny the request to rezone Lot 12 of Windy Poplars subdivision from A-20 to A-5-Average. **STACI ZILLES-NELSON** seconded that motion. **MOTION CARRIED** with Ryan Adams for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for. With **Kenny Funk** voting against.

B. KENNEL LICENSE APPLICATION: WILLIAM ORME

William Orme would like to have a kennel license. He currently has 2 dogs but would like to add a pup and wanted to make sure he was following city ordinance.

CODEY ILLUM motioned to approve a Kennel License for William Orme as long as he maintains 5 acres. **CHERISSE KAMINSKA** seconded the motion. **MOTION CARRIED** with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

C. LOT LINE ADJUSTMENT APPLICATION: MIKE SHANNON

Mike Shannon presented a lot line adjustment to the commission. **Codey I** stated that Mr. Shannon has done multiple lot line adjustments and recorded them with the county without approving them through the city. He stated that he been in contact with the city attorney Amy Hugie along with the city engineer Dana Shuler and they requested that the commission approve all the lot line adjustments from the past 10 years. **Mike S** stated that he has worked with neighbors and given footage away to make it work.

CODEY ILLUM motioned to approve to application for Mike Shannon’s lot line adjustment along with the previous 10 years of lot line adjustments, per the city attorney’s recommendation. **KENNY FUNK** seconded the motion. **MOTION CARRIED** with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

D. APPROVAL OF PREVIOUS MINUTES: JANUARY 27, 2021

KENNY FUNK motioned to approve the minute of January 27, 2021 as presented. **CODEY ILLUM** seconded the motion. **MOTION CARRIED** with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

ZONING ADMINISTRATOR REPORT – CODEY ILLUM:

Codey I informed the commission that a gentleman up on 7200 would like to do a 1 lot subdivision. He started the process and found out he does not have enough acreage to subdivide, however the landowner purchased the property with the understanding that he owns 1.05 acres and has been paying taxes on that acreage. After having it surveyed, he found out that he only has .97 acres. Codey felt that right now they could not approve a rezone. **Mayor Bingham** asked the Planning Commission if they could vote to go against the law. That would have to go to the Board of Appeals. **Codey I** stated that a hardship would have to be proven. **Mayor Bingham** shared that the Board of Appeals has the final say. **Codey I** will share that the Planning Commission would deny this application and he will contact the attorney on how to move forward. This will give the individual the opportunity to appeal and take it to the Board of Appeals. Codey wants to stay consistent with the ordinance.

He did share that there is a home being built up on 7110 that Hansen's has put conditions on regarding fire safety.

The commission mentioned the land owner of 7200 could get a second survey done to make sure there wasn't an error.

DISCUSSION ITEMS:

- A. REVIEW SECTION: 10-11-8 as a Potential Text Amendment:** **Bob K** stated that currently the legislature is trying to make a law that will affect what the city can enforce and recommended the commission hold off until a decision has been made.

CODEY ILLUM motioned to adjourn. CHERISSE KAMINSKA seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Bob Kosbab for, Cherisse Kaminska for and Staci Zilles-Nelson for.

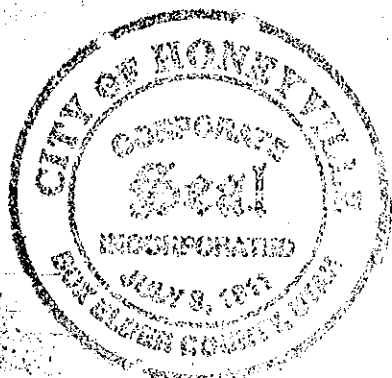
Meeting Adjourned at 8:24 p.m.

The foregoing minutes were taken and typed by Brittney Chlarson.

I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST:

DATE APPROVED: 4-28-21



Brittney Chlarson

Brittney Chlarson – Clerk/Recorder

Robert G. Kosbab

Bob Kosbab - Chairman