

MINUTES
PLANNING COMMISSION

EPHRAIM CITY HALL
5 SOUTH MAIN, EPHRAIM, UTAH

AUGUST 28, 2019

6:00 PM

Board Members Present: Chair Lisa Murray, Larry Griffeth, Craig Rasmussen, Stephen Cornelsen, Dennis Nordfelt, Alma Lund, Jan Jonson.

Board Members Excused: Darren Glather

Staff Present: Community Development Director/City Engineer Bryan Kimball, City Planner Devan Fowles

Others Appearing: Antonio Jimenez, Amy Jorgensen, Paula Tippets, Mike Ballard, Valynn Huffaker, Sam Holder, Brandon Norris, Jennifer Norris, Tyler Norris, Richard Nielson, Bonnie Nielson, Maic Taylor, Joanne Taylor, Jeremy Hallows, Brett McFarland, Tom Bailey, Jessie Springer, Mike Hatch, Heather Bosshardt.

CALL TO ORDER

The Ephraim Planning Commission convened on Wednesday, August 28, 2019, in the Ephraim City Hall Board Room. Planning Commission Chair Lisa Murray called the meeting to order at 6:05 p.m.

I. BUSINESS

Action Item A: Action to decide on the proposed amendment to the General Plan Land Use Map at approximately 75 West 300 North from MDR Medium Density Residential to C Commercial or HDR High Density Residential.

Bryan Kimball gives a report on what he was asked to follow up on from the last meeting. One of the questions addressed at the last meeting regarding this application was whether or not the application could be amended to request the zone to be changed to High Density Residential instead of Commercial? After consulting with the City's Attorney, it was determined that because the City has already published the public notice for this project, and as long as the applicant is okay with the amendment to the application, it is at the Planning Commissions discretion to make a recommendation for either the amended proposal or what was originally proposed.

Planning Commissioner Craig Rasmussen states that spot zoning is something Ephraim City should avoid especially where the City may be updating the General Plan soon. Planning Commissioner Lisa Murray

states that she likes having High Density Residential directly behind the Commercial zone. Planning Commissioner Stephen Cornelsen points out that there is some High-Density spot zoning behind the Commercial zone in the area. The Planning Commission state that the question at hand is whether or not they do the zone change now or wait until after the General Plan has been updated? Planning Commissioner Craig Rasmussen states that any change that the City makes should be for the benefit of the community and when an applicant proposes a project that is in opposition to a community good, the project should not be approved. He does not feel that changing the zoning classification to Commercial will be in conflict or opposition to the City or community as a whole, but changing it to Medium Density Residential (R4) does because of spot zoning. Bryan Kimball says that the hope is that whatever the Planning Commission decides with this project, it will be aligned with what is decided when we do the General Plan update. The Planning Commission ask if the zoning that does get approved at that location will be changed with the General Plan update? Bryan Kimball explains that the General Plan overlay that does get approved will not change what a property is zoned.

Bonnie Nielson states that the way the property is zoned currently, they can't do what they would like to. Because the property is adjoining to the C1 zone and it allows them to do their desired project, they wanted to change the zoning to C1 so they weren't spot zoning. Bryan Kimball states that that the end result for what the Nielson's are proposing to do with adding another duplex and single-family dwelling would be accommodated with the approval of either a R4 or a C1 zone change. Planning Commissioner Alma Lund points out that Bonnie Nielson's neighbor expressed interest in extending the zone over his property as well. The Planning Commission mentions that there are multiple neighbors who do not want a Commercial zone next to their property but would be okay with a High-Density Residential zone if it were approved. Bryan Kimball reiterates that the Utah State code and the Ephraim City code does not prohibit spot zoning. There is no minimum size required to not be a spot zone and the Planning Commission can make any zoning determination that they would like as part of the process. It is not generally encouraged, but it's not prohibited. Planning Commissioner Stephen Cornelsen reiterates the question, what does the City see happening in the future that would be best for the City at that location? Does the City see it being more beneficial to expand the Commercial zone, or does the City feel that it is more beneficial for the City to zone it High Density Residential to support the adjoining Commercial zone? The Planning Commission feels that zoning it High Density Residential will support both the applicant and the wishes of the neighbors according their previous comments and therefore recommend to the Ephraim City Council to zone it High Density Residential instead of Commercial.

Planning Commissioner Stephen Cornelsen moves that the Planning Commission amend the General Plan Land Use Map at approximately 75 West 300 North from MDR Medium Density Residential to High Density Residential

Planning Commissioner Alma Lund seconds the motion. All voted in favor.

Action Item B: Action to decide on the proposed rezone by Richard and Bonnie Nielson at approximately 75 West 300 North from R2 Medium Density Residential to C1 Mixed Use Commercial or R4 High Density Residential.

Planning Commissioner Dennis Nordfelt makes a motion that the Planning Commission rezone the property at approximately 75 West 300 North from R2 Medium Density Residential to R4 High Density Residential.

Planning Commissioner Stephen Cornelsen seconds the motion. All voted in favor.

Action Item C: Action to decide on the proposed amendment to the General Plan Land Use Map at approximately 592 East 100 South from LDR Low Density Residential to HDR High Density Residential.

Planning Commissioner Lisa Murray begins by asking if the concern that was brought up at the last Planning Commission meeting regarding the zoning classification of an adjoining property that was believed to be zoned (R4) High Density Residential already, was addressed? Bryan Kimball explains that after reviewing the 1996, 2001, 2007, and 2009 zoning maps, it was determined that the zoning classification that is shown on the current zoning map is correct at that location.

Bryan Kimball introduces some additional information, which has been submitted since the last meeting, stating that there has been a letter submitted in opposition to the General Plan amendment and Zone Change proposal to High Density Residential (R4) by Jeremy Hallows.

Planning Commissioner Lisa Murray reads the letter and then states that her opinion is to wait to take any action on this item until after the General Plan is updated.

Bryan Kimball makes a suggestion to let the applicant, Antonio Jimenez, explain what he is proposing to do with this project.

Antonio Jimenez states that he thinks there is a discrepancy on what people believe he is going to do with this property if it is zoned High Density Residential (R4). He wants to do multifamily duplexes, triplexes, and fourplexes rather than big apartment complexes. He states that the neighbor on the West would like their property zoned High Density Residential (R4) as well and it makes sense to extend that zone over this property because of the proximity to Snow College. Antonio explains that the road would be widened and improved by the developer as each property develops over time. As per the concern of the added traffic with this development, that particular road is mapped in the master road plan showing that it will tie into the Kane Valley road, so traffic will be increased in time regardless of what development takes place at that location. Bryan Kimball states that if this proposal were to be approved, Antonio would be required to widen the road and put in the required infrastructure along his frontage. The Planning Commission ask if Jeremy Hallows was required to have the infrastructure installed. Bryan Kimball responds saying that it was required but it has been delayed until the future subdivision goes in. Antonio states that he is willing to do whatever the City needs and will allow. Planning Commissioner Dennis Nordfelt asks if any studies have been done on the probability of Snow College growing? He says that when he moved in, Snow College was projected to increase in numbers between 5,000 and 10,000 students, but the numbers have actually gone down instead of up.

Jesse Springer states that she has some approximate data for the projected growth at Snow College. She states that the current enrollment on Ephraim campus is down at Snow College and is predicted to

continue to trend down because concurrent enrollment is continually growing, online opportunities are projected to become more available, and the college growing population nationwide is declining because of declining birth rates and because of nontraditional options like concurrent enrollment and online education. The Planning Commission ask where her data is coming from and she responds saying that the data is coming from Snow College and college officials, including her husband who works for the college.

Jeremy Hallows states that they live in a community that supports Snow College and would like to see the College continue to be successful but at the same time they are a little biased with the little group from the residential area nearby who would prefer that growth of Snow College to happen somewhere else. Many of the large apartment complexes, both on and off campus have vacancies at this point and if there comes a need for additional growth, there are some apartment complexes that have not yet utilized all of their available space. Based on the numbers and their discussions with Snow College officials, there isn't a need for High-Density housing. Based on the research that the homeowners have done, which is not complete or totally in-depth, there would be a negative impact on their property values if High-Density were to be placed next to their development. He states that a High-Density development at that location would hinder some people from wanting to build or develop in that area that they have proposed for their subdivision. He states that he built his house and others made plans for that area for development according to what the General Plan is showing now and it was their understanding that it would continue to move in the direction of Low-Density Residential.

Planning Commissioner Lisa Murray asks what the need is for multi-family housing? Antonio states that he has no vacancies in his multi-family housing apartments and that is what he is proposing for his development.

Sam Holder asks why it can't be zoned Medium Density Residential if it's going to be for duplexes? She would rather it not be zoned for High-Density Residential because of the increase in traffic that comes with a development and not everything allowed to be built in a High-Density zone is feasible for that area.

Valynn Huffaker says that she lived in Ferron for years and they have two fourplexes. At one time, Salt Lake City sent them a group of people who didn't mix with the rest of the neighborhood. They wanted to pay the lower rent that was available and they wouldn't get jobs. Her daughter lived in Palisade Park Apartments and they had a lot of trouble. She states that we have to be careful with where we zone areas because it affects the whole neighborhood. She likes the idea of bringing in more houses instead of apartments.

Planning Commissioner Larry Griffeth states that we need to be careful in saying what type of people are going to be living in those kinds of developments because we can't discriminate and we don't know who will be living there.

The Planning Commission determine that the question at hand is if we need family housing, do we need R4 zoning?

Planning Commissioner Stephen Cornelsen states that he lives in that neighborhood and Snow College residentially, is probably not going to grow based on nationwide statistics but rather it will continue to decline in numbers. He states that Ephraim is going to continue to grow as people from the Wasatch Front and Utah County move to Sanpete County but the growth is not going to come from Snow College. He says they need to think about what makes sense in terms of whether we continue to find spots for student housing or look at where the growth is actually going to come from and how to nurture neighborhoods in the best way as that growth takes place.

Planning Commissioner Craig Rasmussen states that the need for family-housing outweighs the need for student housing at this point. Houses will be built based on the number of people working in the County here.

Adjoining property owner Tom Bailey, states that he's had discussions with Bryan Kimball about a proposed subdivision on his property and believes that it is going to happen sometime in the future. He supports what Antonio is doing and proposing. He thinks that the area being proposed for the development is an okay area for that type of development. He would like to see the same precedent that was set for Jim Boud's development, where a buffer of houses was required between the apartment development and the residential housing. He states that he has nothing against duplexes or the people who occupy them, but we know from experience that when you have homes that are rental units, there is not always the interest, maintenance and upkeep that there is in a family neighborhood. He hopes that the commission and council will consider requiring the buffer of houses to his proposed subdivision development.

Planning Commissioner Alma Lund asks what zoning Antonio would need to be able to do his desired project? Bryan Kimball responds that Antonio has no formal plans as of yet. Antonio says that he is open to the idea of having a buffer strip of houses separating his apartments from the adjoining property. He would like to develop something that is in demand but is not taking business away from the neighboring apartments. Planning Commissioner Alma Lund asks if Antonio was planning on doing student housing. Antonio responds that he was planning on his development being multiple family housing.

Jeremy Hollows states that he opposes duplexes because some of the apartments that are there now have caused a lot of problems. He asks if all of Palisades is subsidized housing and if subsidized housing can happen if the proposed High Density Residential and R4 zoning is approved? Bryan Kimball answers by saying that they would be required to go through a Conditional Use Permit process for a subsidized housing project. We can't make a zone that discriminates a certain type of housing. Jeremy hopes that they will look 20, 30, 40 years from now and what it is going to become. He states that there is often a negative feel that happens around those types of housing developments. The people in that neighborhood would prefer that the area continue going in the direction of single-family housing rather than multi-family housing to retain the character of the high-end subdivisions and developments that have been, and will be, proposed East of his house.

Planning Commissioner Craig Rasmussen states that, based on the comments and conversations so far, the zone change should be changed to either R2 or R3 rather than R4.

Planning Commissioner Dennis Nordfelt states that it's all based on perspective. Jeremy has a young family and is giving input for what he feels is best for his family. Dennis has kids who are young and at the stage of getting married and they need a place to live. Dennis states that hopefully it's a nice place that they can afford and save up money and then someday build in the new development that Jeremy is referring to East of his house but, in the meantime, where are they going to stay until they can afford a down payment to get a house of their own? Dennis states that the Planning Commission may not be in a place to make a decision now, but rather, they should save the decision on this project until the General Plan process.

The Planning Commission ask Antonio what his time table of beginning his project is and Antonio responds saying that he and his partner want to build according to the City's needs and as the market supports it.

The Planning Commission ask when we plan on completing the General Plan and Bryan Kimball responds stating that we will begin the General Plan process this Fall and final adoption may take place sometime next Spring. Planning Commissioner Lisa Murray states that the Planning Commission should take their time and review this proposed zone change at the time of review of the General Plan so that it is done right and it isn't rushed.

Heather Boschardt states that she lives 2 blocks North of the proposed development and she has a couple young kids who like to ride their bikes around the neighborhood and that extra traffic is not desired and she would like to take the proposed R4 zone change away from consideration.

Bryan Kimball explains that we'll try to advertise in multiple forms to meet the General Plan notification requirements by posting on the Public Notice Website, in the Ephraim City Newsletter, in the newspaper, on the radio, and if anyone is worried about missing it, they can subscribe to the Public Notice Website to receive emails of all the public meeting notifications. The meetings that take place will be in public meetings where public input is highly encouraged and welcomed.

Planning Commissioner Larry Griffeth motions that they delay making a decision on this item until they have time to review the General Plan.

Planning Commissioner Craig Rasmussen seconds the motion. All voted in favor.

Action item D: Action to decide on the proposed rezone by Antonio Jimenez at approximately 592 East 100 South from R1 Single Family Residential to R4 High Density Residential.

Brett Mcfarland asks, when someone is rezoning a piece of ground, can the Planning Commission recommend two separate zones, such as R1 with a R2, on a single parcel or does it all have to be zoned into one specific classification? He states that he is referring to the buffer of homes that separates the single-family development from the apartment complexes and is wondering about keeping that precedent all the way through that area.

Bryan Kimball responds by saying that it is a Legislative decision but it is generally discouraged to have a zone split a parcel.

Planning Commissioner Craig Rasmussen suggests to Antonio that he should draw up what he anticipates doing and review it with Ephraim City Staff to create a plan that the staff and Antonio agrees on.

Bryan Kimball asks the public if they would feel better about a buffer and the public responds saying that the additional traffic is the main concern and generally speaking, single family dwellings lower the number of civilians.

Planning Commissioner Dennis Nordfelt states that there are options available to help with traffic safety such as "slow down" and "children at play" signs that can be placed in neighborhoods with higher amounts of traffic.

Bryan Kimball explains that the job of the Planning Commission is to see the bigger picture for what Ephraim City can become and to plan for that bigger picture and try to accommodate individual properties as they move forward. Last year there was a significant waiting list for married-student housing. Snow College has also added multiple 4-year degrees recently. Population projections based on Snow College numbers, building permit numbers and State of Utah numbers, there is an expectation that Ephraim is going to grow and we are trying to plan for that growth in a significant way. There are a lot of data points and components that are considered in this process.

Planning Commissioner Stephen Cornelsen states that he does not think that the property should be zoned R4.

Planning Commissioner Stephen Cornelsen moves that the Planning Commission decline tonight's proposal to rezone the property from R1 Single-Family to R4 High-Density but leave the option open to be rezoned R2 or R3, pending the General Plan.

Planning Commissioner Dennis Nordfelt seconds the motion. All voted in favor.

Bryan Kimball announces to the public that the Planning Commission is a recommending body and their recommendation tonight will be reviewed at City Council meeting the following Wednesday.

Action Item E: Michael Hatch - Conditional Use Permit (CUP) for a proposed 39-unit condo at 330 North Main

Michael Hatch explains the location of what he is proposing and that they have worked with the Ephraim City staff to get their application to where it is now and are hoping for approval for young-family housing. The applicants plan to do thirty (30) 2-bedroom condos and nine (9) 3-bedroom condos. These are all directed towards the young-family community. Michael mentions that the covered parking was not included on the site plan but he is planning on covering the parking stalls that are next to the building.

Planning Commissioner Dennis Nordfelt asks if the condos will be privately owned?

Michael states that he isn't sure at this point.

Planning Commissioner Lisa Murray asks for Staff recommendation.

Bryan Kimball says we've been working on this for a while now and because the parcel is shaped funny, it was difficult to fit everything in. Michael states that they have 2 extra stalls so if needed, they could take out 2 of them. Bryan Kimball states that parking does meet the ordinances requirement and they also meet the ordinance requirements for setbacks. In general, they meet the core checklist criteria for the site plan.

Devan Fowles explains that Rachael Jensen called earlier that day to express a few of her concerns. Her first concern was that there is more emphasis for dogs than there is for children. Her second concern was that when she sold her property in 2005 to Carlon Scott, there was an addendum to put up a fence but it never happened so years later, she put the fence up. There was some concern that there may be a lean or a notice filed on the property but Michael stated that there wasn't a lean or notice on the title search papers he received. Michael states that they plan on putting up a site obscuring fence all around the property according to the ordinance requirements. He explains that it was not his intention to put the emphasis on the dogs but rather on the kids and to utilize all the open space they had, they included a dog park.

Bryan Kimball states that the staff recommends approval with the condition that the applicant:

1. Adhere to the approved plans.
2. Receive approval of the site civil showing exact locations of fire hydrants, utility lines, etc.

Bonnie Nielson gives a suggestion that there needs to be a signal light at that location. With the additional traffic that this development will bring and the amount of traffic that is already there with Malena's across the street, that intersection will become even more congested and difficult to maneuver through. Planning Commissioner Lisa Murray thanks Bonnie for her comments and mentions that UDOT are the ones who will monitor that and determine when a signal light will be allowed to be put in.

Planning Commissioner Stephen Cornelsen says thank you to Michael for fixing that area up and bringing in a nice development.

Planning Commissioner Larry Griffeth makes a motion that the Planning Commission approve the Conditional Use Permit based on staff recommendations for the proposed 39-unit condo at 330 North Main

Planning Commissioner Jan Johnson seconds the motion.

Action Item F: Amy Jorgensen - Conditional Use Permit for a proposed shed remodeled into apartments at 97 East 100 South.

Amy Jorgensen introduces herself and the location of the proposed project. She states that she knows that there is a need for housing in Ephraim and that area is a very dense area with multiple apartments

surrounding her property. She asks that the Planning Commission consider a thoughtful development at her location because she is in a Commercial 1 zone, R3 zone, and historical overlay zone.

She wants to do something that reflects the historical characteristic of the primary structure. She's proposing that the cinderblock shed come down and a three-unit complex be placed in the same footprint. There will be 2 rooms on the upper floor and 1 basement room.

The Planning Commission ask Bryan Kimball if there are any concerns they need to be aware of.

Bryan Kimball says that there is some precedence based on a project to the north where he was approved to use the same footprint to convert an existing building into a three-unit complex in the same footprint. Where this is an existing building that has been there for decades, and as long as she keeps the same footprint, the project is approvable on that basis. It is very similar to, if not considered, a remodel of an existing structure. As per ordinance, the structure can be allowed as an accessory building and the structure can't have more than one story unless it is approved through the Conditional Use Permit process. An accessory building is allowed on the side property line as long as there aren't any firewall issues and if it is behind the front wall plane of the house, so on a corner lot, you basically pick your front where the accessory structure will be on the side and behind the house. Bryan Kimball states that there may need to be one more parking space added on the West side of the house to meet the parking space requirements found in the ordinance but there is plenty of space to add the additional space.

Planning Commissioner Lisa Murray asks Amy what her future building plans are. Amy states that Ephraim is moving into Rural-Urbanism and people like to live in areas that are walkable and mixed use. Being able to walk everywhere to satisfy your entertainment, shopping and living needs/wants is highly desired.

Planning Commissioner Dennis Nordfelt moves that the Planning Commission approve the Conditional use Permit for Amy Jorgensen's proposed shed to be remodeled into apartments at 97 East 100 South.

Planning Commissioner Craig Rasmussen seconds the motion. The motion carried.

II. STAFF MEMBER REPORTS

The Planning Commission ask if the proposed beef plant is coming back. Bryan Kimball explains that he was contacted a couple weeks ago by the same guy proposing the beef plant at the same location saying that they are looking to operate in both Ephraim and the old dairy East of Centerfield. The slaughtering would take place in Centerfield and the processing of the meat would take place in Ephraim. Everything else except the water need would be the same. The water need would be reduced due to the two locations. Bryan Kimball states that he still has questions and would like to know more details on sewer pretreatment. The applicant did present some information about a diffused air treatment system specifically designed for this type of operation and as long as it does what he says it will do then it should be fine.

The Planning Commission ask about a timeframe that Michael Hatch plans to begin building his 39-unit project. Bryan Kimball responds saying that they still need final building permit approval and might be able to break ground this Fall but most likely next Spring.

ADJOURNMENT

There being no further business to come before the Planning Commission for consideration, Planning Commissioner Craig Rasmussen moved the Regular Planning Commission Meeting adjourn at 8:54 p.m. The motion was seconded by Planning Commissioner Alma Lund. The motion carried.

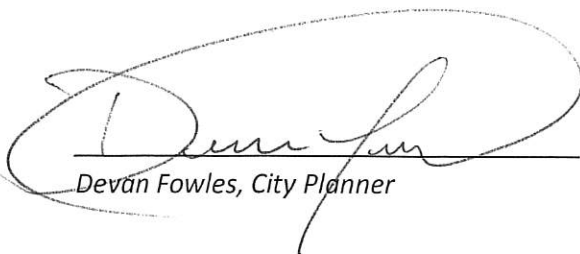
The next regular Planning Commission meeting is scheduled to be held on September 11, 2019, starting at 6:00 p.m. in the Ephraim City board room.

MINUTES APPROVED:


Lisa Murray, Chair

11/13/19
Date

ATTEST:


Devan Fowles, City Planner

11 / 13 / 19
Date