

**HYDE PARK CITY
PLANNING COMMISSION MEETING
July 7, 2021
Minutes**

PC Meeting began at 7:10 pm, and was conducted by Mark Lynne.

MEMBERS PRESENT

Mark Lynne, Rachel Erickson, Trent Hagman and Derek Grange (arrived late)

OTHERS PRESENT

Mayor Wheeler, Councilmember Brandon Buck, PC Secretary Melinda Lee, Marty McFaddon and Kevin Flint

THOUGHT/PRAYER – Trent Hagman

PLEDGE OF ALLEGIANCE – Rachel Erickson

APPROVAL OF MINUTES – June 16, 2021

Mark Lynne made a motion to approve the Minutes as presented from the Planning Commission Meeting held June 16, 2021. Rachel Erickson seconded the motion. Motion carried 3/0.

(Derek arrived)

BUILDING PERMITS ISSUED

Commercial	Kris & Carey Gunnell	3680 N 300 W
Commercial	Kevin Low / Bldg. 2	3665 N 300 W
Commercial	Kevin Low/Bldg. 1 (E)	3665 N 300 W
Comm Addition	Murdock Auto	3131 N Hwy 91
Electrical	Charles Darnell	315 N 700 E
Electrical	Tim Poulsen	665 E 150 S
Remodel	Wesley Swensen	340 N 225 E
Solar	Douglas Mower	515 S 50 E
Home	Chad & Shersten Dallon	895 S 50 E
Home	Kyle Palmer	460 N 1100 E

CITY COUNCIL MEETING REPORT

Mayor Wheeler reported on City Council Meeting held June 23, 2021.

1. Considered selling T-Mobile cell tower lease. Councilmember Cox is doing further research.
2. Public Hearing for - and adopted – Budget.
3. Passed Minimum Improvement Requirements regarding fire hydrants and other items.
4. Approved Juniper Trails Phase 2 Final Plat.
5. Denied rezone of Waite property (Andy Bentley).

MOUNTAIN GATE PHASE 5BC FINAL PLAT (Administrative)

The Planning Commission considered the Final Plat for Mountain Gate Phase 5BC submitted by Heritage Land Development for 28 lots on 15 acres at 450 N 800 E in a Residential zone. Parcel ID: 04-005-0030.

Note: 3 of the 28 lots are owned by Ryan Mawson and are part of the Fox Canyon Subdivision. Parcel ID: 04-241-0004.

Marty McFaddon brought members up to date on why phases B and C are now combined.

Melinda gave an update from Scott, City Engineer outlining a few minor comments:

1. Open Space D references Note 6 but Note 6 only describes Open Space C. Either add "D" to that note, or create another note for Open Space D.
2. Add a 2nd signature line to the Owners Dedication for Ryan Mawson to also sign.
3. Update the Final Plat labeling from "Phase 5B" to "Phase 5B and 5C" or "Phase 5BC" (multiple places)
4. Show snow storage easement on Final Plat as shown on the Construction Drawings.

Mayor requested they *not* have straight Kentucky Bluegrass (high water user) in the open space areas. Marty said the Bonus Density lots will be noted in the Development Agreement.

Rachel made a motion to approve the Final Plat for Mountain Gate Phase 5BC with the condition of addressing the comments listed above. Derek seconded the motion. Motion carried 4/0.

12.30.080 FENCING ORDINANCE (Legislative)

Melinda described possible misunderstanding between the graphic and the supporting language. Consider amendments to the fencing ordinance to clarify the language supporting the graphic. Commissioners agreed the graphic explains it best. 12.30.080 B. will state "For corner lots, see graphic." All other language under "B." will be removed.

Mark will update the legend in the graphic.

12.170 PLANNED COMMERCIAL ZONE AND 12.220 PLANNED PROFESSIONAL ZONE (Legislative)

Mark narrated the changes made since the last discussion on June 16. Derek made a motion to send the prepared amendments to the Commercial and Planned Professional zones to the City Council for approval. Trent seconded the motion. Motion carried 4/0.

NUISANCE ORDINANCE (Legislative)

Mayor Wheeler shared myriad complaints from various residents about nuisances throughout the city, namely:

- Roosters crowing loudly from 4-7 AM
- Dogs barking constantly
- Noise of ATVs riding through the streets, revving their engines causing extra noise
- Neighbors intentionally spraying sprinklers against another neighbor's fence, making a loud continuous noise throughout the nighttime hours, and causing damage to the fence.

Mayor asked, 'What, if anything, should the City do?'

Trent wants to protect the accused. Rachel likes the existing definition. None of the complaints listed fall into those categories. Neighborhood CCRs can better protect rights like these. Trent says our ordinance is similar to North Logan City's. Derek said there may be a noise ordinance that applies. Is there a decibel amount listed? Mayor explained some of this becomes harassment. Derek said someone could use the State harassment code to go to court on their own. Most members feel it is beyond the city's control. It is hard to enforce anything. Rachel said we do not want government controlling any more than they have to. Derek agreed individuals are responsible for water discharged from their property, causing damage to another. There have been other issues with irresponsible irrigating. Farmers have been taken to court when flooding someone's basement.

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There is a State code, regarding criminal mischief – you must prove intent.

Brandon suggested adding “and ATVs” to 12.30.200 B. 12. Mayor wondered why “more than 2 axles” addressed. Perhaps add a 13. Other types of vehicle noise - Ride peacefully through city streets. When you arrive at dirt road, you may then accelerate.” Derek noted ATVs are naturally noisy.

Mayor noted there are constant ATVs in front of Donja’s house. Rusty Shelton has complained of ATVs - he lives on the street headed to Hyde Park Canyon. Mike Lemon (first home at the mouth of the canyon) has also complained. Kids come out of the canyon, accelerate on the asphalt, break the speed limit and head out. When the Mayor worked on the new park, he heard multiple ATVs going up the road. The noise was objectionable. Mark noted Moab now has more ATVs than vehicles on their city streets. They tried to outlaw them but the state said no. The state allows people to leave their home and ride to the canyon without an OHV sticker. All agreed it is a difficult situation and there are legitimate concerns.

See 2.100.740 and 10.30.040 and 12.30.200

Mayor thanked the members for the discussion. Asking the Planning Commission to discuss and consider changes fulfills his promise to the residents.

Meeting adjourned at 8:30 PM

Melinda Lee, Secretary
Hyde Park Planning Commission