

**HYDE PARK CITY
PLANNING COMMISSION MEETING
September 1, 2021
Minutes**

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

MEMBERS PRESENT

Chairperson Tiffany Atkinson, Trent Hagman and Derek Grange

OTHERS PRESENT

Mayor Wheeler, Councilmember Cox, PC Secretary Melinda Lee, Andy Checketts, Kevin Flint, Ryan Lindsey, Cory Goettsche and Nolan Krebs

THOUGHT/PRAYER – Trent Hagman

PLEDGE OF ALLEGIANCE – Derek Grange

APPROVAL OF MINUTES – August 18, 2021

Derek Grange made a motion to approve the Minutes as presented from the Planning Commission Meeting held August 18, 2021. Trent Hagman seconded the motion. Motion carried 3/0.

BUILDING PERMITS ISSUED

(next meeting)

CITY COUNCIL MEETING REPORT

Councilmember Cox reported on City Council Meeting held August 25, 2021.

1. Mayor Wheeler discussed selling of lots out for bid. Also discussed property owned at Park Meadow Subdivision.
2. Received input on and approved new tax rate.
3. Approved fiscal year 2021-2022 budget.
4. Amended budget to cover increased wages for NPPD, contingent on North Logan City doing likewise.
5. Discussed ADU ordinance and sent back to PC for further clarification.

CONSIDER CEDAR BLUFF SUBDIVISION FINAL PLAT (Administrative)

Six Alphas submitted the Final Plat of Cedar Bluff Subdivision for 6 lots on 25 acres in a residential zone at 100 N 900 E. Melinda noted a new Final Plat was put into box.com 5 minutes before the meeting began. She also noted the revised Construction Drawings came in yesterday. The City Engineer has not yet reviewed them.

Regarding storm water, Derek asked about possible overflow. Cory said yes, there are really good Plan B and Plan C allowances. He also noted the 'burrito-style' retention was Mayor Wheeler's idea. Derek also asked about a fire turnaround on 900 E. Cory related the Fire Department said since there are no homes to access behind 160 N, they do not need access. Derek noted there will be no snow removal on 900 E until improved and further developed. Mayor Wheeler suggested adding a fire turnaround for fire access and snow removal on 900 E. Developers felt the two corner homes would face 900 E.

Tiffany feels comfortable passing this along, contingent on the City Engineer's approval of storm water and all other engineering comments from the last submission. Derek seconded the motion. Motion carried 3/0.

CONSIDER UPDATES TO THE ANIMAL ORDINANCE REGARDING DANGEROUS ANIMALS (Legislative)
NPPD Animal Control Officer Krebs noted gaps in our ordinance regarding dangerous animals. He proposes changes and additions to Hyde Park City code.

Commissioners wanted to define "dangerous". Officer Krebs noted the State defines that the officer makes that judgment. He said if he sees the animal doing something dangerous, he judges. It must be witnessed. It is considered dangerous only if it bites or kills. It is not based on hearsay or accusation. Derek wondered about adding "reasonable suspicion". Nolan shared examples. The behavior must be seen or have evidence. Tiffany asked about a dog killing a chicken. Nolan said he does not consider that a dangerous animal. Trent believes it must be showing aggression. Tiffany read the definition of "dangerous animal" in our ordinance. Derek, hearing the definition, now likes the changes. Nolan noticed the proposed changes are copied directly from Logan City's ordinance. Nolan related the recent incident that spurred this proposed amendment.

Another problem is we do not really have a good place to take dogs that have been removed from their homes. He called the Humane Society the "Inhumane Society". Councilmember Cox noted the training Officer Krebs has with animals and care. He agrees with Nolan about the Humane Society. We budget \$11,000/year for this kind of expense. Nolan is trained to make differentiation. The City should NOT be paying for a resident's animal. Derek said in Logan any officer can take an animal but the Animal Control Officer always follows up on all impounds. Nolan said that is the correct way, including barking dogs.

Nolan confirmed he *has* been trained about dealing with animals, and specifically dangerous animals. He shared an example of a normally friendly dog who "took off the face" of a nurse walking by one day. That dog was not put down. Should it be? He acknowledged all dogs bite. The Animal Control Officer should be able to determine if the dog should be locked up. He has and follows police procedures on every case. There is always a second check. In the future Nolan will likely take animals to Smithfield instead of the Humane Society.

This change gives him authority to take and keep a dangerous dog.

Derek likes it and made a motion to recommend the additions. Trent seconded the motion. Motion carried 3/0. This proposal now goes to City Council for approval.

CONSIDER ADDITIONAL CHANGES TO THE ADU ORDINANCE (Legislative)
Commissioners reviewed changes recently submitted to City Council.

Goals:

- Define families or remove "families".
- Add penalties for noncompliance, either of the CUP, or for those not obtaining a CUP.
- Revisit maximum area as well as building height and other size parameters.
- Decide appropriate setbacks – same as home, or same as accessory building?
- Forward proposed amendments to City Council.

Mark (not present) added edits to box.com.

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Commissioners do not want to include the first highlighted section about “family”. They prefer limiting to “2 persons per bedroom plus one”. Derek noted wise landlords will restrict it further to protect their property.

Note: This discussion began before the animal discussion, paused, then returned after the animal discussion.

Councilmember Cox struggles to see why the City needs to allow detached ADUs at all. This is not how to allow multi-family housing. Trent does not see a difference between basement units and detached units. Tiffany said this is how the City can regulate them. Trent noted this all came about because we wanted more affordable housing in Hyde Park.

Mayor wanted to address lot size. Consider other possibilities. The 1,000 square foot maximum means if it is a 2-story home, it can only be 500 square feet/floor. Perhaps we should regulate ‘footprint’ instead of living space.

Changes from Mark’s edited copy:

- Simplify the purpose from “..starter dwelling..elderly couples..” to “to provide housing”.
- Limit occupancy to 2 persons per bedroom plus one person (Derek struggles to allow 5 college students)
- All (new or existing) units need to be licensed.
- Under Internal ADUs, change 2a. may be “attached to” to “part of”
- Under DADUs, change all “ADU” to “DADU”
- Limit DADUs to maximum 2 stories. Ground floor and upstairs, or ground floor and basement.
- Considered if stand-alone, limit 1,000 square foot footprint (plus garage). If part of shop, limit 1,000 square foot livable space. Chose to keep 1,000 square foot “livable space” as the maximum.
- Setbacks: 10’ adequate. Cannot be same as home or few could do.

Mayor Cox sees it as everyone can do an IADU. Why offer DADUs to everyone? Everything is complaint driven. Mayor recommends if 2-story, must abide by home setbacks.

HB82 limitations:

- HOAs could restrict DADUs but not IADUs
- Cannot limit college students
- Can only require one additional parking space

Continued:

CONSIDER ADDITIONAL CHANGES TO THE ADU ORDINANCE (Legislative)

CONSIDER UPDATES TO THE MASTER ROAD PLAN (Legislative)

CONSIDER SUBDIVISION TRAILS DENSITY OPTION (Legislative)

CONSIDER SHORT-TERM RENTAL REGULATIONS (Legislative)

Meeting adjourned at 9:00 PM