



Mayor Bryan Cox
PC Chair Tiffany Atkinson
Commissioner Mark Lynne
Commissioner Derek Grange
Commissioner Rachel Erickson
Commissioner Trent Hagman

HYDE PARK CITY
PLANNING COMMISSION MEETING
March 2, 2022
Minutes

PC Meeting began at 7:00 pm and was conducted by Planning Commission Chair Atkinson.

Atkinson announced the previously posted MATT HARRIS REZONE has been CANCELLED for tonight.

PLANNING COMMISSIONERS PRESENT

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

OTHER CITY REPRESENTATIVES PRESENT

Mayor Cox, Councilmember Kevin Flint, City Administrator Marcus Allton, and PC Secretary Melinda Lee

OTHERS PRESENT

Brock & Tori Ostermiller, David & Amy Ostermiller, Judy Jones, Andy Checketts, Cory Goettsche, Thayne Braegger, Stephen Taylor and Larry Rupp

THOUGHT/PRAYER & PLEDGE – Commissioner Hagman

APPROVAL OF PC MINUTES

Atkinson made a motion to approve the Minutes as presented from the Planning Commission Meeting held February 16, 2022. Erickson seconded the motion. Motion carried 5/0.

CITY COUNCIL REPORT

Councilmember Flint reported on City Council Meeting held February 23, 2022:

1. Received presentation about a possible reception center/art studio along Wolf Pack Way.
2. Looked at various options for new water rates. Discussion ongoing. Public Hearing scheduled for March 23.
3. Extended the landscape moratorium for another 90 days, could be ended sooner.
4. NPPD Chief Black hired two experienced officers, now full staff. Police Commission meeting tomorrow.

BROCK OSTERMILLER DOG TRAINING CONDITIONAL USE PERMIT (CUP): Public Hearing & Consider CUP

Atkinson opened the Public Hearing.

Brock Ostermiller – Balanced approach dog trainer, interned with Brian Hansen, worked with Search and Rescue, hired on, still does contract work, volunteers with Police Department. Most

of what he does takes him to other homes and businesses. Some of the work would be done at his property which he purchased from his father (next door) a couple years ago. He loves where he lives and he loves his job. He does not see his business interfering with neighbors.

Judy Jones' bedroom window is next to Brock's home. Are dogs boarded there? No. Brock asked why. Judy - "Because dogs bark."

Brock explained his remedies. Dogs will not get loose into neighboring properties.

Atkinson closed the Public Hearing.

Commissioners asked about the dogs being inside/outside, parking, and how many dogs he has of his own.

Brock will mostly have the dogs inside. If outside they would be leashed at all times. He confirmed sufficient parking. He has 3 of his own dogs.

Dave Ostermiller (Brock's father) noted Brock lives on ½ acre but is welcome to use their extra 2 acres next door for Brock's business.

Lynne likes that the dogs will always be tethered or e-collared or penned. He encouraged him to create a fenced-in area (outdoors) for the dogs.

Erickson noted two normal neighbor grievances – noise and mess. Take care of those and neighbors will be happy.

Atkinson expressed concern over the mix of neighbors' children and untrained dogs.

Brock pointed out the geography - the middle of their block is open, not developed. There is no on-site equipment. He is the only employee. It should not generate any additional traffic.

Grange (also a police officer) appreciates Brock working with dogs and limiting the size of classes. Brock works with Logan City canine handlers and does well. Grange likes that he helps people have well-trained dogs. "This will be good."

Atkinson motioned to approve the CUP. Erickson seconded. Motion passed 5/0.

MOUNTAIN GATE PHASE 5D SUBDIVISION FINAL PLAT

Commissioners checked Bonus Density lots from the Preliminary Plat - lot 183. They quietly looked over other aspects of the plat. No one from Heritage Land Development was present.

Lynne read from the last comments, dated September 4, 2020. Lots have been completely renumbered from the engineering review. Commissioners reviewed engineering comments from 5B as well.

Lee called Marty McFaddon of Heritage Land Development and put him on speaker phone for commissioners to question. (Marty forgot about this meeting tonight.)

Grange asked about bonus density lots. Marty said he works with Donja [Donja Wright, City Recorder] on that. Derek also related Scott's approval "as long as nothing changed". Marty confirmed – "Nothing changed."

Commissioners pointed out at least 3 places where the label is "5C" instead of "5D". Marty will contact his engineer and assured all will be corrected, as early as tomorrow.

Grange made a motion to approve the Final Plat with the edit corrections to state "5D" (not 5C). Lynne seconded the motion. Motion carried 5/0.

MASTER ROAD PLAN AMENDMENTS: Public Hearing & Consider amendments –

Proposal to:

1. Extend 400 W (County)/1000 W (HPC) in the industrial zone at 600 S, northward, and
2. Alter the curve of the west CMPO road to the north, and
3. Move the current "400 W" road further to the east.

Atkinson opened and closed the Public Hearing. No comments

Lynne explained the above changes and the reasons behind them. The curve will not begin until north of the current Niederhauser subdivision. They applied for their development under a previous Master Road Plan.

Grange made a motion to recommend to the City Council the above proposed changes to the Master Road Plan. Hagman seconded the motion. Motion carried 5/0.

New - 12.30.030 SIMPLE PARCEL DIVISION/LOT SPLITS: Public Hearing & Consider ordinance -

This section is meant for dividing parcels without active plans to develop either parcel. It does not require infrastructure improvements.

Atkinson opened the Public Hearing.

Cory Goettsche asked if this was not already covered by county law.

Lynne explained why the amendment is proposed. He noted multiple examples:

- The JR & Teresa Allred property - The city lost out on infrastructure in front of the existing home. If developed, all improvements would be required.

- Art Taylor's commercial property where improvements were agreed to but not made.
- Another commercial property.

The city has had multiple requests for these kinds of divisions and no way to help applicants. With this proposal, new parcels, if divided at the county, would be flagged as having to install infrastructure.

Atkinson closed the Public Hearing.

Commissioners had already reviewed this proposed amendment at their last meeting.

Atkinson motioned to recommend this ordinance to the City Council. Lynne seconded the motion. Motion carried 5/0.

New - SHORT-TERM RENTAL ORDINANCE: Public Hearing & Consider ordinance – Recommend an ordinance to regulate short-term rentals.

Atkinson opened and closed the Public Hearing. No comment

Atkinson hoped this amendment covered the question from last meeting about having an ADU AND a STR in the same home, or on the same parcel.

Lynne commented on state legislature work to prohibit ADUs being used as STRs. (See HB462)

Commissioners wondered about property owners renting their home AND having part as an STR. They wanted to prohibit that. You may not have two separate rentals.

- Keep proposed amendment from last meeting. Spell out acronyms.
- Keep "only one STR is allowed per parcel/property."
- Add E.4. - "Any property contracted as a long-term rental (ADU) is not eligible for short-term rentals (STRs)."

Erickson made a motion to recommend this new short-term rental ordinance to the City Council for review and possible approval. Atkinson seconded the motion. Motion carried 5/0.

Lynne moved to amend the motion to add "Hyde Park Transient Room Tax" to the list in C.2. Erickson seconded the amended motion. Motion carried 5/0.

12.160 LANDSCAPING ORDINANCE: Public Hearing & Consider amendments –

Recommend commercial changes and add a residential element, allowing no more than 35% turf/lawn (maximum 5,000' square) for all new landscaping.

Atkinson opened the Public Hearing.

Cory Goettsche asked Commissioners to ruminate on this ordinance. Please make it apply to “culinary” water only. The canal company is proud of their water. This ordinance also seems like HOA rules – overreach. If he goes out of town, will the city get on him for his bushes being too big? He asked for consideration. This is “per lot”. What if someone owns more than one lot. Atkinson said each lot could have 5,000, but the ‘5,000 each’ could not be combined onto one of the two or more lots.

Is the intention to conserve water? Yes

Andy Checketts asked why the city is so against grass. This is odd overreach. If the city does not control water well as a city, then overreact for new people coming in. No lawn for kids to play on – just rocks?!

Atkinson said this is a whole Rocky Mountain west area issue. Existing homes will not be affected by this ordinance.

Lynne said if you have to pull a building permit, this rule would apply.

Checketts asked about new homeowners? [No, just new construction.] He argued 1200’ square of water is not much for kids to play on.

Hagman agreed about clarifying “culinary” usage only.

Thayne Braegger quoted 12.150 “without diminishing the quality, quantity, or level of service to existing users”. Did not this ordinance get broken last year? He has one acre with 10,000’ square of lawn. He understands we are running out of water but we keep building.

Larry Rupp – requests more than 2 minutes as a representative of the landscaping committee. The Mayor asked him [earlier] to restate his credentials. He did so. Rupp shares many of the same concerns as were brought up tonight. He spent many hours preparing documents and feels the City Council has not acted on any of it.

Rupp’s initial concerns:

- 12.160 Under 2. Screening. What does “obscured illumination” mean? Do you want it obscured, or you do not? Commissioners responded the intent is to screen residential areas from commercial lighting.
- Plant selection: ‘deep-rooted plants’ should be used. What is that definition?
- #6 Irrigation – Does not mention design or efficiency and management. Maverik heads were watering the parking lot. It should mention distribution uniformity. Many other things should be added (ie. Pressure). (Grange asked if we could/should require the Water Checks program. Larry: You could.)
- There are many “shall” instead of suggestions. Where do you come off saying it should be landscaped? He agrees with the earlier HOA comment.

- Who will review to make sure people comply? City Council did not seem to want that because it caused tracking and monitoring. This seems to require that. (Erickson said most of our ordinances are that way - self regulated.)
- Rupp said he has fought battles like that. He believes there should be basic requirements then let the price of water determine landscaping, not restrictive ordinances. Leave them free to use what they want. A drought-tolerant tree can still be over-watered. Waste comes from people, not plants. Restricting parking strips makes sense but most of the other does not seem appropriate.
- He suggests dictating soil, especially near Highway 91. Much of that area may not be able to grow plants.
- 12.160.040 Maintenance: He asked about non-landscaped areas being restored to their “natural vegetation”. How far back to get to ‘natural’? That can be a lot of work. If the land is agriculture, are you requiring it remain as agriculture until developed?
- Residential lists “localscapes”. He informed us that is a trademark term from the Jordan Valley Water District.
- Missing: Utah passed a law requiring secondary water meters. (Lynne said the city has not included that yet because the state is still working on it. He related items from a recent newspaper article about secondary water metering attempts.)
- Utah will offer \$40 million in state funding. “Shame on Hyde Park” if that funding goes elsewhere and not here.
- He has other suggestions of additions.

Lynne requested Rupp submit all his suggestions to Melinda Lee. She will forward them to all Commissioners.

Lynne addressed the work done by the water conservation committee. Lynne created a guide (from the committee’s work) to be given to residents when they sign up for utilities. That part would not be an ordinance.

Lee will share the document with Larry Rupp for his review and comments.

Allton shared concerns from the Mayor and City Council. Oversight and enforcement was brought up. Who will do that? He suggests we take some time to go through this with our committee – make it more about saving water than about eliminating grass.

Erickson feels we need to separate residential from commercial landscaping.

Lynne agrees with mentioning secondary water separate from culinary water.

Goettsche: The citizens want water. What is the city doing to find water?

Atkinson believes we have a water issue and a water storage issue. The city is working to address the storage issue.

Pumps were added last year. The city is looking to build another well.

Goettsche asked if enough water is found, “Will this ordinance go away?” [No] He believes other cities have plenty of water. Commissioners disagreed.

Allton noted other city managers are looking to do similar ordinances.

Goettsche: Is the state pushing this? Yes

Erickson related insight from another meeting. If Providence does not conserve, it affects Hyde Park. She related the valley to a bowl with straws. Everyone draws from the same source.

Rupp confirmed we need to be as proactive as possible. Las Vegas is practically outlawing all turf. We have a real problem!

Braegger told others he attends City Council meetings. We will all see water rate increases. The middle canal is already being metered. He owns a full share that gave him 6 hours, 2 days/week. He agrees in raising water rates.

Grange is the watermaster for his subdivision. He inquired about the type of meters being used on the middle canal?

Braegger was told our secondary water WILL be metered. It is coming.

Checketts asked when the city restricts usage vs. restricting yards? Are we still allowing pools and hot tubs? He agrees with restricting it on their utility bill. Don’t restrict by landscaping requirements. Keep it simple. It will correct itself.

Erickson said you are talking about two different things – culinary and secondary.

Stephen Taylor agrees with much of what has been said. You cannot entirely separate landscaping and water use. Less “shall”, more “should”. Tracking how much each should use is arbitrary. There are tools to figure that out individually, based on the size of the lot and particular landscaping.

Atkinson closed the Public Hearing.

Grange admitted he enjoys his large yard. He is not a fan of restricting [lawns] to 5,000’ square. He only waters 2 days/week. He agreed we should focus more on water usage. He only uses secondary water, no culinary. When secondary is metered, his opinion is to base it off of usage.

Atkinson noted this ordinance still needs a lot of work. She will move this topic to the next meeting, or after Allton can meet with residents and experts.

Hagman said, it's easy - just say, "Don't use your damn water."

PERMITTED USES IN COMMERCIAL AND PLANNED PROFESSIONAL ZONES: Public Hearing & Consider amendments – Consider allowing warehouse/storage space - if project includes sufficient retail components.

Atkinson opened the Public Hearing.

Checketts asked if this is in the mixed-use zone. No, the commercial zone, east of the highway.

Commissioners explained situations.

Atkinson closed the Public Hearing.

Atkinson does not want to change the ordinance to allow warehouses.

Hagman believes in limiting the size of the warehouse.

Erickson believes 'retail' includes storage space.

Checketts asked, "Is the goal sales tax?" Yes.

Atkinson said warehouses can be west of the highway in the industrial zone. She believes Skyler Jenks wants it to say "warehouses" so he can have a warehouse, not just retail with storage space.

Grange has spoken to many citizens that ask, "What's the rush?"

Checketts has a power sports business in North Logan. He pays a lot in sales tax to North Logan. He could not make it work in Hyde Park. He tried but our city is too hard to work with. It is not that easy. He has two separate businesses, contributing about \$400,000 in sales tax between the two. From a business owner, it is hard to make inroads here [in Hyde Park City].

Grange does not want it worded as "warehouse" but he is not opposed to a business with storage space in back.

Allton said "warehouse" needs definition. He said it is more like an auto parts store where most of the product is in the back. We do need size limitations on retail and storage. Many are doing online shopping. We do not want to discourage online retailers.

Grange – Lowe's is a 'warehouse' but it is fully retail.

Lynne wants to review Atkinson's links she put in box.com.

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Item continued to next meeting.

Meeting adjourned at 9:35

Melinda Lee, Secretary
Hyde Park Planning Commission