

1 October 6, 2022
2 Planning Commission Meeting
3 Virtual Meeting
4 7:00 p.m.
5
6

7 **Commissioners Present:** Commissioner Jan Kerr (Acting Chairperson), Commissioner Stephan Moss,
8 Commissioner Beth Thompson, Commissioner Blake Broadhead, Commissioner
9 Ryan Vaughn
10

11 **Commissioners Absent:** Chairman Julie Jones. Vice Chairman Marcus Wager
12

13 **City Staff Present:** City Administrator Robert Barnhill
14 Planning Secretary, Tyra Bischoff
15 Deputy Recorder Anita Nicholas
16 Attorney Chris Crockett
17

18 **Others Present:** Danny Henriquez, Aaron Nielson, Christine Olsen, Jim Flint, Gene Stephens, Jeannine
19 Jensen, Robb Miles, Barney Olsen, Brad V. Johnson, Daniel Stephens, Brinton Neff,
20 Spencer Gould
21

22 **Others On-line:** Marc Fletcher, Mike Eyster, Sasha Clark, Danny Lange, Austin, Ashley Young, Melanie
23 Barnhill
24

25 **MOTION:** Commissioner Moss nominated Commissioner Kerr to be the acting chairperson for this
26 Planning Commission meeting. Commissioner Broadhead seconded the motion.
27

28 **All in Favor**
29

30 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**

31 Commissioner Jan Kerr called the meeting to order at 7:05 pm
32

33 **A. Declare Conflict of Interest, if any**

34 None.
35

36 **2. Action Items**

37 **A. Final Plat Application – Acorn Ridge located at 104 W 1750 S Parcel #03-159-0141 Applicant:**
38 **Michael Eyster**

39 City Administrator Barnhill said this was the final plat application for Acorn Ridge, a small subdivision at
40 104 West and 1750 South. The property comes off Highway 89 on Canyon View Drive. It is currently a
41 parcel of approximately an acre that will be divided into two building lots. He said that most of the
42 infrastructure was already in place. The property has an existing house on lot 1 and lot 2 is the
43 proposed building lot. This proposed lot is 10,426 square feet which meets the city size requirements
44 for R-1 zone. He mentioned that there is a narrow strip of land on the plat along Canyon View Drive
45 that will be a dedicated right of way. He indicated there was a small section of sidewalk that has
46 previously been installed, and there are no agreements that would require an escrow account be set
47 up. He explained that after the approval by the Planning Commission the applicant has 90 days to get
48 it signed and recorded to create this new building lot. He mentioned the application appears to be
49 ready for approval. The engineer did go through it in detail and worked with their surveyor to make
50 several corrections.
51

Commissioner Kerr asked if there had been a public hearing on this request. Mr. Barnhill replied that this did not need one. Commissioner Kerr then asked if anyone wanted to make a motion.

MOTION: Commissioner Moss made a motion to approve Final Plat Application for Acorn Ridge. Commissioner Vaughn seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

B. Final Plat Application – Harmony Cove located at approximately 690 W 2250 S Parcel #03-158-0079; 03-158-0004 Applicant: Brandt Miles

Mr. Barnhill explained the Harmony Cove Subdivision request. He said it is accessed through the Davis Creek Subdivision off of the west side Highway 89. He mentioned that this application might seem familiar as it came before the Planning Commission and was approved last spring. He said that after the approval, the developer realized he needed to make improvements but wasn't able to get them done in the 90-day window. Instead of creating an escrow, the developer chose to withdraw the approval and is now ready to present the final plat. He added that the developers have installed their improvements and had them inspected. He further explained that this application is for two single family and 20 townhome subdivision. He pointed out that the nearby Davis Creek Subdivision already had 30 units on one access so the Fire Marshall required them to have fire sprinklers in all the residential units of this subdivision. He said the developers have made all the corrections requested and this request is ready for approval by the Planning Commission.

MOTION: Commissioner Broadhead made a motion to approve the final for Harmony Cove. Commissioner Moss seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

C. Final Plat Application – Mark at Lake Pointe located at 2925 S Hwy 89 Parcel #02-029-0120 Applicant: Ryan Clark

Mr. Barnhill explained that Mark at Lake Pointe property is off Highway 89 and near 3000 South. The property is approximately 1 acre in size with the proposed 18 townhome units. They have made several corrections in response from previous recommendations by the Planning Commission. They also made updates to utilities and landscaping which conforms to the city's design standards. At the last review with the engineer there were two outstanding items. The first was for approval of highway access to the property which was recently given to them in writing by UDOT. The second was the approval from Pineview Water System to provide secondary water to this subdivision. Currently, Pineview Water is still working on this approval process. He noted that if the secondary water is approved, the developers will have to show the city how the system will be done. If it is not granted, then the developer will need to install a backflow system to use culinary water for irrigation.

Commissioner Kerr said she is aware that there are secondary water accesses at 3000 South, or the subdivision to the north. If they want to tap into those secondary lines, the developer will need to get approval from the property owners to the south or north of the Mark at Lake Pointe Subdivision. She said they might need to get more approvals and/or purchase water rights.

Commissioner Broadhead asked if the billboard concerns from the last review had been addressed. Mr. Barnhill said that the access to the easement had been done and he pointed to it on the map. He also noted that a cross access easement agreement was done. Commissioner Kerr added that in the new plans, the developer presented the trees along the highway to have a maximum height of 12 feet for better visibility of the billboard. Mr. Barnhill noted that the landscaping plan meets the city requirements. Commissioner Moss pointed out that the building is offset enough from the road so it will not obstruct the view of the billboard from the highway.

Commissioner Vaughn asked if they should wait for the secondary water approval. Mr. Barnhill responded that they need to make a motion or table this request. He said he would feel comfortable to approve this with a contingency.

MOTION: Commissioner Vaughn made a motion to approve the Mark at Lake Pointe contingent upon the water (secondary water plans). Commissioner Moss seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

D. Public Hearing – Ordinance 22-L Zone Change for Black Pine LLC from NC3 to R1/3 located at 1025 W 3700 S Parcel #02-038-0010 Applicant: Benjamin Neff

Mr. Barnhill explained this legislative zone change application will be sent to City Council along with the Planning Commissions opinions. He noted for clarification on the current applicant status the listed applicant Benjamin Neff with Black Pine LLC is now to be Gene Stephens with White Rock Partners LLC on items D and E. He said this zone change is for the six acres along Highway 89 and 3600 south including Hargis Hill Road that is zoned Neighborhood Commercial (NC3). The applicant is requesting the zone to

match the Residential (R1/3) zone of the adjacent property. He said this does align with the city's general plan and that there are several other zones around this area. He mentioned that City Council newly adopted a policy of not granting 1/2 and 1/3 zoning districts because they want to encourage conservation subdivisions, development agreements and creative planning with open space preservation.

Commissioner Jan Kerr opened the public hearing 7:20 p.m.

Aaron Nielson questioned why the city will allow commercial property to be residential property. He said the city is adding houses which is not giving a supplemental tax base. He explained that this land was preserved for commercial businesses and now they are changing it to residential homes. These properties do not generate (the tax base) that the commercial properties will. He pointed out that several years ago another man requested a zone change from a commercial zone and was denied. He said he lives on 1150 W 3600 S and is concerned about all the houses going in.

Brad Johnson asked for clarification of the color on the zone city map. After it was explained to him Commissioner Kerr added that the long term city plan is for commercial growth to be on the north end of town and that the south part of town be residential. Mr. Johnson asked if traffic plans have been addressed with UDOT. Commissioner Kerr showed the preliminary plat map that had the proposed accesses on and off Highway 89.

Aaron Nielson said why bother with the rezone if residential is already allowed in the Neighborhood Commercial zone. Commissioner Kerr responded that the developer wants this area to be specific to their plans. And Mr. Barnhill said the Neighborhood Commercial allows for limited multi-family but not any single family homes. Commissioner Moss commented that their intention for the rezone is to put in single family and not all multi-family units. Commissioner Thompson remarked that is why they need rezoning even though they have seen this property before. Commissioner Kerr added that the lower density looks better and will probably be appreciated by the neighbors. Aaron Nielson ask why the developer changed from the high density plan. Commissioner Moss responded that the developer is trying to listen to the comments from previous meetings on high density being an issue.

Commissioner Jan Kerr closed the public hearing 7:27 p.m.

Mr. Barnhill showed the city grid map with multi-family units being spread throughout it. He explained some of the city plans and future development plans available in the different grids. He then said he could talk with anyone more about this and other questions they have in his office during week days.

MOTION: Commissioner Broadhead made a motion to approve the change of R1/3 in Item D (Ordinance 22-L Zone Change). Commissioner Moss seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

197
198 **E. Preliminary Application for Olsen Orchards located at approximately 1025 W 3700 S Parcel #'s**
199 **02-038-0004; 02-038-0005; 02-038-0010; 02-038-0061; and 02-038-0069 Applicant: Benjamin Neff**
200 **(White Rock Partners LLC)**

201 Mr. Barnhill explained that this property has already been looked at under the lens of a development
202 agreement where things were being negotiated. He explained in this process they viewed open space
203 improvements, density, the number of units, and lay out of streets. He said the development group has
204 come back with a new application where they wouldn't need to do a development agreement but will
205 follow the zoning codes on the books. So all the single family homes are now on 1/3 acre lots with three
206 road accesses and a realignment of Hargis Hill Road. He noted that 3825 South came in a little further
207 south on the first application. The update plan shows the shift south so that there will not be a land lock
208 situation for the existing neighboring property owners. This change allows for easy future development of
209 these long narrow properties. He said they have asked the developing group to correct the front setbacks
210 of the cul-de-sac lots. He explained that the city requires an 80 feet frontage along the road of every lot in
211 the R1/3 zone but with cul-de-sacs they cannot get it. The city allows the 80 feet be marked at the 25 feet
212 set back line. He mentioned that the city engineer requested a better explanation from the developers on
213 what they are doing with the wetland area in Parcel A. He then commented that this was a preliminary
214 application and other outstanding items like the sewer connections and culinary water line size could be
215 addressed in later applications. A few other things he mentioned were the development will be done in
216 five phases, Pineview secondary water will be brought in from off-site, and that they met the 16 units per
217 acre multi-family density requirement.

218
219 Commissioner Vaughn questioned if 3600 South would be wide enough. Mr. Barnhill responded that road
220 size had been adjusted. He also commented that the developers are responsible for curb, gutter, and
221 sidewalk on the development side of the roads. He then showed the road section plat map for this
222 development and how they will be moving power lines to accommodate the new road.

223
224 Commissioner Thompson asked where will they get irrigation water from and Jim Flint answered it will be
225 brought in from Pineview Water Systems. She then inquired about the utilities on Hargis Hill Road. She
226 was concerned if they will have utilities around that area or if they might need right-of-ways access to get
227 them. Mr. Barnhill said the city engineer was comfortable to address this when they get to the detail
228 portion of the development which will be in the next application. Mr. Flint commented that there is
229 currently a 6 inch line along the highway that doesn't serve anyone. He noted that they will be placing an
230 8 inch line in to service the area and the development. There will be more discussion on this issue before
231 Phase 3 is approved.

232
233 Commissioner Kerr asked if the developers had full approval with UDOT for 3700 South as an access road.
234 Mr. Flint said UDOT was very supportive of it. Mr. Barnhill noted that the final UDOT approval will be
235 given to the city in writing before the final plat application is accepted.

236
237 **MOTION:** Commissioner Thompson made a motion to accept the preliminary subdivision
238 (application for Olsen Orchards) with addressing Parcel A and setbacks in the cul-de-sacs.
239 Commissioner Moss seconded the motion.

240
241 **Roll Call Vote:**

242 Commissioner Kerr, Yes
243 Commissioner Moss, Yes
244 Commissioner Broadhead, Yes
245 Commissioner Vaughn, Yes

Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

Mr. Barnhill shared with the public that the next phase of this development is handled internally by staff. He said there will not be letters sent but it will be noticed publically on the meeting agenda. He expressed an openness to talk more or answer questions about this as needed in his office during the work week.

F. Public Hearing – Ordinance 22-M Zone Change for Promontory Crossing LLC from IC to Industrial located at 950 S 1600 W Parcel #'s 03-236-0027; 03-236-0026 Applicant: Marc Fletcher

Mr. Barnhill explained this zone request is for two properties under the same ownership in Pointe Perry on the west side of the freeway. The properties are in the Interstate Commercial (IC) zone and are currently vacant. The applicant is proposing a zone adjustment on the back part of the 4.5 acre area to be changed to the Light Manufacturing and Industrial zone. He noted there are some commercial developments with Maverik, Tractor Supply, and a hotel already in the area. He said this property came before the committee last year and was approved with conditions in the development agreement but the time lapsed for them to make the needed changes. He noted that the city has since adopted a formal process for a development agreement and this request does not include one.

He proceeded by reading on the future general plan from the staff report as follows:

The general plan shows this area to be commercial and states, "Primarily commercial, these areas may have retail, service, office, and business uses in general. Light manufacturing may also be allowed in these areas. Multifamily residential uses should be selectively allowed in these areas. Manufacturing and industrial zoning should be located in the south west area of the City along the freeway."

He said this opens the door for other uses in the area. He mentioned they need to consider the uses that may be allowed and then he listed a few uses from the Land Use Chart. He said that last year the applicant was going to build storage units on the property. Commissioner Moss asked what the city's future plans for the area were and Mr. Barnhill answered that the map shows it as commercial. Commissioner Kerr said with the prior application the council was hesitant to allow storage units on the property until they saw the apartment units that were going to be developed in the city and realized these residents will need a place to storage their stuff. However, at that time the counsel required the developers build the retail store before the storage units.

Commissioner Jan Kerr opened the public hearing 7:50 p.m.

Aaron Nielson said they are switching something that generates tax revenue to the city to storage units which doesn't generate tax revenue. He comments that other than property tax storage units don't pay sales tax. Commissioner Kerr responded that originally the developers were going to put a retail shop in front and storage units in the back. She and Commissioner Moss commented that this public hearing is only for a zone change. Mr. Nielson indicated that this zone change without a contingency plan opens the door to allow them to do anything. As a concerned citizen he remarked that the city needs more business in commercial zones that bring in taxes, not just property tax, and that the order of operations is critical.

Marc Fletcher thanked Mr. Barnhill and the Planning Commission for hearing him. He said there have been a number of challenges with this property such as the irregular shape. He explained that originally when they gave their proposed plan they did not have a lot of things completed. At that time the land was still under contract and their engineering wasn't completed. They have since found with geotechnical studies that the property was a former wetlands with high water tables. He said they uncovered an easement issue that they are working to resolve with the Federal Government.

Commissioner Jan Kerr closed the public hearing 7:56 p.m.

MOTION: Commissioner Broadhead made a motion to deny Ordinance 22-M zone change. Commissioner Vaughn seconded the motion.

Roll Call Vote:

Commissioner Kerr, No
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved, Action Failed: 4 Yes 1 No, 2 Absent

Mr. Barnhill reiterated that this motion was to not approve the request and that this recommendation will go to City Council for their Oct 27, agenda.

Aaron Nielson commented that he agrees with Commissioner Kerr but he feels the order of operations is critical with having things in place before the zone change.

Marc Fletcher said that the industrial zone change request was not for entire property but for back half portion. Commissioner Kerr asked if the commission was clear on this part of the request. They responded that they were not and Mr. Barnhill apologized it was not explained to them. Mr. Fletcher said he provided a plat map that delineates the retail and industrial portions. Mr. Barnhill found and showed the submitted information from the applicant. He asked attorney, Chris Crockett if they may redo the motion. Mr. Crockett said if they want to reconsider it they may open it back up then they will need make a motion to do it.

MOTION: Commissioner Moss made a motion to reopen (the discussion on Ordinance 22-M) zone change. Commissioner Vaughn seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

Commissioner Kerr reopened the discussion (on Ordinance 22-M) at 7:59 p.m.

Commissioner Thompson asked if the plans were the same as originally submitted a year ago. Mr. Fletcher responded that is was. Mr. Barnhill explained that on the two properties the front approximately 150 – 200 feet is interstate commercial and the back is proposed to be industrial. He pulled up the map and showed the property zone layout and noted the back is approximately 2.211 acres with the total of 4.5 acres. Commissioner Thompson said she didn't want to set a precedence in taking just a piece of land and changing the zone on just that parcel.

MOTION: Commissioner Broadhead made a motion to approve 2.211 acres of Industrial (as proposed in Ordinance 22-M) with no frontage and the remaining of the 4.5 acres remain as zoned. Commissioner Moss seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

G. Preliminary Application – West Meadow Estates located at 2250 S 1200 W Parcel #03-157-0017 Applicant: Brinton Neff

Mr. Barnhill said this request has already come before the committee and is for a Conservation Subdivision. He mentioned as requested by the committee, the developers had sent updates on the maintenance plan, sensitive area designation plan, and open space improvements. The revised preliminary plan shows single family homes with a few multi-family homes. These plans focus more on the open space with a Frisbee golf goal and a conceptual landscape plan. Brinton Neff commented that the open space is larger so the amenity was not required but they still left that feature in their plans. Mr. Barnhill explained the proposed maintenance plan has a dryland grass mix of pasture grass and native grass seed (orchard grass and alfalfa). He said the commission needs to decide the goals of the conservation subdivision when deciding on this open space area. He said they show a nativity drainage as a small ditch running through the open space and questioned if this was an amenity to the city. He referred them to the Conservation Subdivision code to help with their understanding of the requirements.

Commissioner Kerr said she wants more detail about the maintenance plan because alfalfa can get tall and wouldn't work well as a walking path or any other activity. Commissioner Thompson said she struggles with the shape of the open space. Commissioner Moss asked where the nature ditch went and Mr. Barnhill responded that it goes to the city storm drain. Commissioner Kerr asked about the width of the ditch and what it was constructed of and it was noted that information wasn't available. Commissioner Moss asked for clarification on the preservation of the stream in the Conservation Subdivision and Mr. Barnhill read from the code. Brinton Neff commented that it is not a running creek and they are in the process of delineations but it is not wetlands. Aaron Nielson asked who was

responsible for the open space maintenance and Commissioner Kerr responded that it will be the city since it is open to the public. Commissioner Thompson asked the sized of the open space, which she was told was approximately 979 feet in length and 130 to 99 feet widths.

Mr. Barnhill showed and read from 15.07.130.14 Permanent Protection of Conservation Lands And Constrained And Sensitive Lands of the code.

(a) All Conservation Land and Constrained and Sensitive Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City.

Commissioner Moss said the tail (ditch) does not seem to count as a resource because it is not diverting water or saving anything for the city. Commissioner Broadhead said since the city will take on that property it will become a liability if it gets flooded. Commissioner Moss commented that they should just pipe it and get it out of the way because that area should be usable. There was further discussions on what will or will not be preferred in this area. Commissioner Thompson asked if the city had to take over the maintenance of this area and Mr. Barnhill said yes and if not they will need to amend the code. Commissioner Moss commented if the strip will even be usable, and Commissioner Vaughn said "do we really want this area?" Commissioner Thompson remarked that she does not want to take the open space as is then give the city the expense to change it. She also does not want to have several parks around the city to maintain. She pointed out that the public will not want to go to this area because it is behind other people's homes. She suggested the home owners have the property to use and maintain.

Brinton Neff said, as a developer, he struggled just like the commissioners and council have. He then asked for direction from the commissioners on the open space for a city amenity. Mr. Barnhill recommended Mr. Neff consult a professional landscape architect since it is their field of practice. He expressed that perhaps what is missing is the vision of the conservation subdivision. Commissioner Broadhead suggested because of the location of the property, they make an extension of the trail system that is across the road from the development. Commissioner Moss said that the recommendation he would give the developer would be to build 1/3 housing or give them something more appealing that is not as burdensome for the city. Mr. Neff asked about what they would want included with the trail system. Commissioner Broadhead said a nice winding trail with natural grass and trees along a path.

Mr. Barnhill read city code 15.07.130.07 Waiver.

Subject to the provisions set forth herein, any provision of this Section (15.07.130) may be waived by the City upon a majority vote of the City Council. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Section. Any waiver of the required minimum Conservation Land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

A waiver shall not result in lot sizes, or building setbacks, smaller than the minimum permitted in this Section. All subdivision standards regarding dead-end street length, ingress and egress, and block dimensions shall be met. No waiver

shall result in the creation of additional lots within a Conservation Subdivision, beyond those permitted by this Section.

Good cause as referenced herein shall include, but not be limited to, the following standards:

1. The subdivision shall be located within a half mile of an existing public Park located within the City. This distance shall be determined by the actual walking distance from the subdivision to the Park.

a. In the event the Park is located off-site pursuant to subparagraph 1, or on-site, a waiver shall not result in usable Park space less than one acre in size.

He then referred to the conservation subdivision wavier he just read and suggested the developers might want to consider it in their proposal.

City Council Member Ashley Young commented that the first time this plan was presented and before they were approved for 1/3 acre lots the developers did not have much to say about Dale Young Park. She indicated that City Council did not push the conservation subdivision on them, and she thinks they just want more density. She added that she does not see the benefit of having a stream for the city Public Works to take care of. She explained that the money offer presented from the developer to give to the neighboring park in exchange for them allowing smaller lots was twice denied.

Commissioner Kerr commented that the applicant may develop the approved larger 1/3 acre lots with lower density and not do the conservation subdivision. She asked Mr. Neff how many extra lots the conservation subdivision gave the developer. He said they would get about 20 additional lots in the subdivision. Commissioner Moss asked if the Planning Commission could approve this request as is with the smaller lot size and have the developer manage the open space. Mr. Barnhill said the wavier allows them to list a good cause for why they are waving a particular subdivision division requirement. Commissioner Thompson asked, "if we do not take over the open space then what will be done in that area?" Mr. Barnhill said the developer will need to create a HOA to maintain it. Attorney Chris Crockett commented that it is difficult to enforce issues with HOAs. He suggested they require a covenant recorded on the property so the owners in the subdivision could choose to enforce it. They discussed whether or not they want to create a waiver and/or how to move forward on this request. Mr. Barnhill suggested they have a work session with City Council to get input.

MOTION: Commissioner Thompson made a motion to table for a work session with Planning Commission, City Council, and the property owner. Commissioner Vaughn seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Tabled: 5 Yes 0 No, 2 Absent

Motion was Tabled

H. Public Hearing – Ordinance 22-K Amending Swimming Pool Setbacks.

Mr. Barnhill explained that an interested property owner ask if the commission would look at the swimming pool regulation. He read from code 15.25.020.1 that “A residential/family swimming pool shall be permitted in the rear” and he said they want to add “or side of a dwelling”. The reasoning was the different sized lots and placement of the house on the lot might not allow the pool being in the rear but space may be available at the side of the house. He said they also want to amend the location and placement (feet) requirements of a swimming pool. He noted that there is a provision that requires pools be fenced. He mentioned the amendment simplifies the location and states the setbacks be the same as accessory buildings. Commissioner Thompson asked if this was a cleanup and Mr. Barnhill responded that a citizen requested it be reviewed. Mr. Barnhill asked Attorney Chris Crockett if the ordinance needs to have whereas clauses and he said not unless the city has a format requirement.

Commissioner Jan Kerr opened the public hearing at 9:00 p.m.

Aaron Nielson asked if the original setbacks were based on the possibility that someone’s pool was to leak and cause damage to the neighbor’s property. Mr. Barnhill said he does not know the origin of this ordinance.

Commissioner Thompson was concerned that by passing this it might not benefit the neighbors.

Commissioner Broadhead asked if the fencing ordinance was for the property or just around the pool area. Mr. Barnhill read from code 15.25.020.03 about the fence requirements.

Christine Olsen commented that she lives in Salt Lake City by a neighbor that has a swimming pool within 10 feet of the fence line and sound is not an issue. She said the sound bounces off it and closeness to it is not a problem. She reminded them that the city general noise ordinance applies if they were to have a loud or late gathering.

Commissioner Broadhead wanted to verify that the home/pool owner is liable for any damaged cause by the pool. Attorney Chris Crockett said the Governmental Immunity Act give cities immunity from being sued for the issuance of permits and ordinance change and so the city is protected.

Commissioner Jan Kerr closed the public hearing 9:04 p.m.

MOTION: Commissioner Moss made a motion to approve Ordinance 22-K Amending Swimming Pool Setbacks. Commissioner Broadhead seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Moss, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes
Commissioner Thompson, Yes
Commissioner Jones, Absent
Commissioner Wager, Absent

Motion Approved: 5 Yes 0 No, 2 Absent

3. Approval of the Minutes

539 **A. August 4, 2022 Regular Planning Meeting**

540 Commissioner Kerr said there were many typo and grammatical corrects needed and that she will give
541 her marked paperwork to the recorder.

542
543 **B. September 1, 2022 Regular Planning Meeting**

544
545 **MOTION:** Commissioner Thompson made a motion to approve the August 4, 2022 and September 1,
546 2022 Planning Meetings minutes with corrections. Commissioner Moss seconded the motion.

547
548 **Roll Call Vote:**

549 Commissioner Kerr, Yes
550 Commissioner Moss, Yes
551 Commissioner Broadhead, Yes
552 Commissioner Vaughn, Yes
553 Commissioner Thompson, Yes
554 Commissioner Jones, Absent
555 Commissioner Wager, Absent

556
557 **Motion Approved:** 5 Yes 0 No, 2 Absent

558
559 **4. Discussion**

560 **A. Future Projects**

561 Mr. Barnhill said he did not have anything to bring up.

562
563 **B. Report on past-approved Planning Commission Agenda Items**

564 Mr. Barnhill said there is not any recommendation that City Council is considering. However, they are
565 still working on the Land Use Chart updates.

566
567 **C. Report from Commissioner regarding last Council Meeting**

568 Commissioner Broadhead attended the September 2, 2022 meeting and said Commissioner Jan Kerr
569 was reappointed. He then said that the Chief of Police recommended a revised records request
570 compensation form which was approved. He reported that Bob Thurgood is going to donate a wooden
571 flag for new city hall, they talked about service projects, the pioneer house at the park, and he told City
572 Council that the Planning Commission approved the final plat at Perry Landing.

573
574 **D. Make Assignments for Representative to Attend City Council Meetings**
575 **(October 13 & 27 Meeting)**

576 Commissioner Jan Kerr said she will attend the October 13, and Commissioner Beth Thompson will
577 attend the October 27, City Council Meetings.

578
579 **5. Public Comment**

580 Brad V. Johnson wanted to have a voice and said he was invited to come to give resident input, but it
581 did not matter what he said, the commissioner will approve it if it fits the city guidelines. Commissioner
582 Kerr responded that they have limits and by law they are to follow the agenda and that the letter Mr.
583 Johnson received was for a public hearing in reference to a property near him. Commissioner Moss
584 mentioned that public comment is to shed light on a possible issue but not for a public opinion on if
585 they want the development done. Mr. Johnson asked if they are looking at water availability on the new
586 builds. Mr. Barnhill explained Mr. Johnson's questions and gave more insight on the public hearing
587 process using the current changes for examples.

Aaron Nielson asked about future lights on Highway 89 with the increase of traffic caused by these new subdivisions. Mr. Barnhill said that hopefully next year they can do a master plan with UDOT.

Danny Henriquez said he supports the swimming pool ordinance change.

Christine Olsen said there were two images on Olsen Orchards that had conflicting lot information. She wants to clarify that she owns 2 acres and not 1 acre. Mr. Barnhill said he has forwarded that information to the engineers to make the updates.

6. Training

A. Staff

City Attorney Chris Crockett asked if because of the late time they want to postpone the training for a later date. He then commented that Commissioner Kerr handled the meeting very well.

7. Review Next Agenda and Adjourn

A. Items for November agenda (next meeting November 3, 2022)

Mr. Barnhill said there is not anything on the agenda yet.

B. Motion to Adjourn

Motion: Commissioner Broadhead made a motion to adjourn the meeting. Commissioner Thompson seconded the motion.

All Commissioners were in favor. The meeting ended at 9:23 p.m.