

MINUTES OF A REGULAR MEETING OF THE HYRUM CITY PLANNING COMMISSION HELD DECEMBER 14, 2023 AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 P.M.

**CONDUCTING:** Chairman Paul Willardson

**PRESENT:** Chairman Paul Willardson, Vice Chairman Blake Foster, Commissioners Angi Bair, Brian Carver, and Terry Mann.

**EXCUSED:**

**CALL TO ORDER:** There being five members present and five members representing a quorum, Chairman Paul Willardson called the meeting to order.

**OTHERS PRESENT:** Zoning Administrator Matt Holmes, Alternate Member Dixie Schwartz, and fourteen citizens. Secretary Shara Toone recorded the minutes.

**PLEDGE OF ALLEGIANCE:** Commissioner Angi Bair led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** Commissioner Terry Mann

**APPROVAL OF MINUTES:**

The minutes of a regular meeting held on October 12, 2023 were approved as written.

**ACTION**                    **Commissioner Terry Mann made a motion to approve the minutes of October 12, 2023 as written. Commissioner Blake Foster seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

**AGENDA APPROVAL:**

A copy of the notice and agenda for this meeting was EMAILED to The Herald Journal, posted on the Utah Public Notice Website and Hyrum City's website, distributed to each member of the Planning Commission, and posted at the City Offices more than forty-eight hours before meeting time.

**ACTION**                    **Commissioner Angi Bair made a motion to approve the agenda for December 14, 2023 with the following change; to have the public hearings changed to discussions.**

**Commissioner Brian Carver seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

6. PUBLIC HEARING

- A. To receive public comment regarding Community Development Block Grant - Hyrum City is eligible to apply to the Utah Department of Workforce Services for funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally funded program administered by the State of Utah, Housing and Community Development Division (HCD). Hyrum City is eligible to apply for CDBG funding provided Hyrum City meets the applicable program requirements. The purpose of the public hearing is to provide citizens with pertinent information about the Community Development Block Grant Program and to allow for discussion of possible applications. This public hearing will cover eligible activities, program requirements, and expected funding allocations in the region. The CDBG Program can fund a broad range of activities, including, but not limited to: construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, and provision of public services such as food banks or homeless shelters. In the event that Hyrum City chooses to apply for CDBG funding, a second public hearing will be held at a later time to discuss the project.
- B. The purpose of this hearing is to receive public comments regarding amendments to Title 16 (The Subdivision Ordinance) of the Hyrum City Municipal Code to amend the subdivision approval process by: No longer requiring a concept plan to be submitted; Removal of City Council approval for Preliminary and Final Plats; Removal of Planning Commission approval for Finals Plats; and Sets time limits for the review process. These amendments are mandated by Utah State Code.
- C. The purpose of this hearing is to receive public comment regarding a request to rezone Parcel 01-007-0011 at approximately 350 East 300 North from Residential Agricultural R-A Zone to Light Industrial M-1 Zone.

7. SCHEDULED DELEGATIONS

- A. Jared Clawson - To request a two lot mini-subdivision located at approximately 475 South 800 East consisting of 14.7 acres.

- B. Nate Barnhill - To request site plan approval for a commercial development located at 280 North 800 East (Highway 165). The proposed development is a rental business on approximately 0.88 acres.
  - C. Bret Bywater - To request a two lot mini-subdivision located at approximately 340 North 400 West, consisting of 1.76 acres.
  - D. Curtis Knight - To request approval for a rezone of nine acres from residential agricultural to light industrial, located at approximately 350 East 300 North.
  - E. Matt Nielsen - To request a 17-lot subdivision located at approximately 705 East 1100 South, consisting of approximately 8 acres.
8. OTHER BUSINESS
- A. Matthew Holmes - Consideration and recommendation of an amendment to the Hyrum City Code regarding state-mandated changes to the Subdivision Ordinance pertaining to administrative approvals of single-family, two-family, and townhome developments.
9. ADJOURNMENT

***PUBLIC HEARING:***

**TO RECEIVE PUBLIC COMMENT REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT - HYRUM CITY IS ELIGIBLE TO APPLY TO THE UTAH DEPARTMENT OF WORKFORCE SERVICES FOR FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES PROGRAM, A FEDERALLY FUNDED PROGRAM ADMINISTERED BY THE STATE OF UTAH, HOUSING AND COMMUNITY DEVELOPMENT DIVISION(HCD). HYRUM CITY IS ELIGIBLE TO APPLY FOR CDBG FUNDING PROVIDED HYRUM CITY MEETS THE APPLICABLE PROGRAM REQUIREMENTS. THE PURPOSE OF THE PUBLIC HEARING IS TO PROVIDE CITIZENS WITH PERTINENT INFORMATION ABOUT THE COMMUNITY DEVELOPEMT BLOCK GRANT PROGRAM AND TO ALLOW FOR DISCUSSION OF POSSIBLE APPLICATIONS. THIS PUBLIC HEARING WILL COVER ELIGIBLE ACTIVITIES, PROGRAM REQUIREMENTS, AND EXPECTED FUNDING ALLOCATIONS IN THE REGION. THE CDBG PROGRAM CAN FUND A BROAD RANGE OF ACTIVITIES, INCLUDING, BUT NOT LIMITED TO: CONSTRUCTION OF PUBLIC WORKS FACILITIES, E.G., WATER AND SEWER LINES, FIRE STATIONS, ACQUISITION OF REAL PROPERTY, AND PROVISION OF PUBLIC SERVICES SUCH AS FOOD BANKS OR HOMELESS SHELTERS. IN THE EVENT THAT HYRUM CITY CHOOSES TO APPLY FOR CDBG FUNDING, A SECOND PUBLIC HEARING WILL BE HELD AT A LATER TIME TO DISCUSS THE PROJECT.**

**ACTION**

Commissioner Brian Carver made a motion to open the

**public hearing for discussion at 6:39 p.m. Commissioner Angi Bair seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

Zoning Administrator Matt Holmes said this is federal money that is available to the community. The grant can be used to help low to moderate income housing, such as homeless shelters, public works facilities, fire stations, or public infrastructure.

Scott Casas asked what Hyrum City's purpose for the grant is and if Hyrum City has previously applied for the grant.

Zoning Administrator Matt Holmes responded that he is unsure if Hyrum has ever applied for the grant, but Neighborhood Nonprofit Housing has previously applied. A public hearing must be held in the community if Hyrum City or Neighborhood Nonprofit Housing applies for the grant.

Commissioner Brian Carver said the CBDG is administered by the U.S. Department of Housing and Urban Development. The purpose of the funds is to provide capital improvements to communities that benefit populations of low to moderate income such as homeless individuals, migrant workers, seniors, adults with disabilities, and people fleeing from domestic violence. The purpose of the hearing is to make the public aware the funds are available, see if Hyrum City is interested in applying, and to find out if the public has any capital projects that would benefit any of these populations. In the past, Hyrum City has used these funds to renovate the kitchen at the Senior Center. The Family Place has applied for the grant and has used it to make improvements and expand their building and the services that they offer. Non-profit organizations are not allowed to directly apply to the State of Utah. They must apply through a local government, such as Hyrum City, acting as their sponsor.

Scott Allgood said we do not have any recreational facilities for low-income groups in the winter. He thinks the city should consider using the grant for some kind of recreation facility. He believes that would fit in the grant's purposes.

Commissioner Brian Carver said constructing an indoor recreational facility would be eligible for the grant. The challenge would be to make sure most of the people who would be accessing it would meet the low to moderate income

qualification. Hyrum could work as a community to establish whether Hyrum City, as an entire community, qualifies as low to moderate income. The facility would be open to all residents of Hyrum City. A survey could be conducted to determine if that would be an eligible activity or not.

**ACTION**            **Commissioner Terry Mann made a motion to close the public hearing discussion at 6:45 p.m. Commissioner Blake Foster seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

**THE PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENTS REGARDING AMENDMENTS TO TITLE 16 (THE SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO AMEND THE SUBDIVISION APPROVAL PROCESS BY: NO LONGER REQUIRING A CONCEPT PLAN TO BE SUBMITTED; REMOVAL OF CITY COUNCIL APPROVAL FOR PRELIMINARY AND FINAL PLATS; REMOVAL OF PLANNING COMMISSION APPROVAL FOR FINAL PLATS; AND SET TIME LIMITS FOR THE REVIEW PROCESS. THESE AMENDMENTS ARE MANDATED BY UTAH STATE CODE.**

**ACTION**            **Commissioner Angi Bair made a motion to open the public hearing for discussion at 6:46 p.m. Commissioner Terry Mann seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

Zoning Administrator Matt Holmes stated that senate bill 174 imposes new mandates on all cities. Hyrum City's deadline for using the old processes is February 1, 2024. This is only for single family, two-family, and townhome dwellings in administrative approval. The city will need to select an administrative body, that is not Planning Commission or City Council, to perform the administrative approval. The plans will go straight to preliminary where they will be reviewed by staff until they are ready for the Planning Commission. They will then go to the Planning Commission for approval before going back to the administrative body for final approval. From the preliminary stage to the final stage, there will only be four rounds of approval.

Chairman Paul Willardson asked who is in charge of appointing this administrative body.

Zoning Administrator Matt Holmes said the City Council will appoint the administrative body. The Planning Commission can discuss and make recommendations of what the body should consist of. The City Council can accept those recommendations or go in a different direction.

Commissioner Terry Mann asked if the city needs the new Administrative body by February 1, 2024.

Zoning Administrator Matt Holmes verified that the city needs the new body by February 1, 2024.

Craig Rasmusson commented that the state code makes it so that the City Council does not know what is going on and there could be unintended consequences. For smaller communities, there needs to be adjustments made to the code.

Commissioner Angi Bair asked what kind of amendments need to be made.

Craig Rasmusson said an amendment that has a combined administrative review and City Council approval needs to be made. City Council needs to know what is going on with subdivisions in the city. In the past, when City Council and the Planning Commission have worked together on developments, in Hyrum, the results have been better developments. Changing to a quick administrative process takes away from a lot of potential for improvement.

**ACTION**            **Commissioner Brian Carver made a motion to close the public hearing discussion at 6:56 p.m. Commissioner Blake Foster seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

**THE PURPOSE OF THIS HEARING IS TO RECEIVE PUBLIC COMMENT REGARDING A REQUEST TO REZONE PARCEL 01-007-0011 AT APPROXIMATELY 350 EAST 300 NORTH FROM RESIDENTIAL AGRICULTURAL R-A ZONE TO LIGHT INDUSTRIAL M-1 ZONE.**

**ACTION**            **Commissioner Angi Bair made a motion to open the public hearing discussion at 6:57 p.m. Commissioner Blake Foster seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

Zoning Administrator Matt Holmes said Curtis and Karther Knight were wondering what it would take to rezone the land so that they can put up storage units, which are only allowed in the industrial zone and conditional use in commercial zones. They thought that this might be a good area for storage units because of the land around it and the lack of homes.

Jeremy Wiegman said he owns the land directly south of said

property. He would prefer to keep it agricultural.

Karther Knight said the piece fits perfectly with what the city's general plan states. It is clean and light industrial with a very low traffic count and very minimal people. It is a great median from residential to light industrial to heavy industrial.

Scott Casas said he would not mind seeing more storage units somewhere else in the city, but would like to keep that area agricultural.

**ACTION**            **Commissioner Terry Mann made a motion to close the public hearing discussion at 7:01 p.m. Commissioner Brian Carver seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

***SCHEDULED DELEGATIONS:***

**JARED CLAWSON - TO REQUEST A TWO LOT MINI-SUBDIVISION LOCATED AT APPROXIMATELY 475 SOUTH 800 EAST CONSISTING OF 14.7 ACRES.**

Jared Clawson said he would like to take his home off of 14.75 acres. He had the land surveyed and all of the setbacks are correct. He's going to pull off a half-acre lot for his house. The remainder of the parcel he will keep as agricultural.

Commissioner Terry Mann asked if Jared Clawson was making a lot next to his house.

Jared Clawson said it is his house that he is making a lot out of.

Commissioner Angi Bair asked if it the land is eligible for development.

Jared Clawson said that there is a five or six year waiting period for development.

Commissioner Angi Bair asked if there will be a deed saying that it is not eligible for development for a certain amount of time.

Jared Clawson said he thinks it is still eligible for development, but he would have to pay back taxes.

**ACTION**            **Commissioner Brian Carver made a motion to recommend**

approval of a two lot mini-subdivision located at approximately 475 South 800 East consisting of 14.7 acres. Commissioner Terry Mann seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.

**NATE BARNHILL - TO REQUEST SITE PLAN APPROVAL FOR A COMMERCIAL DEVELOPMENT LOCATED AT 280 NORTH 800 EAST (HIGHWAY 165). THE PROPOSED DEVELOPMENT IS A RENTAL BUSINESS ON APPROXIMATELY 0.88 ACRES.**

Nate Barnhill said he is looking into opening a tool and equipment rental business on the lot proposed. They won't be renting out anything larger than a mini excavator, a skid steer, and possibly a boom lift. They won't have back hoes or cranes. For the most part, it will be tools and general equipment. He is trying to serve small contractors and homeowners. There is a fully functioning building on the lot, with a bathroom which will serve as the home office. There are plans to expand the building to accommodate more staff and possibly sales of tools. The main areas will be asphalt, or if approved, a slag product. There will be a fence around the equipment and between the townhomes and the commercial lot. There might be razor wire at the top of the chain link fence (not on the side with the townhomes). He will be mindful of noise ordinances and have appropriate lighting. The landscaping will be desert landscaping. The business sign will probably be on the side of the building.

Commissioner Terry Mann asked if there are any stipulations on motion lights.

Commissioner Brian Carver said he does not think that they have any rules about motion lights.

Commissioner Terry Mann said if the motion lights are pointing down, it is not a problem.

Nate Barnhill said that the only structure that he would add would be a stand-alone carport for maintenance purposes. It would be anchored down, but not on a foundation.

Chairman Paul Willardson asked where Nate plans to provide maintenance now.

Nate Barnhill answered in the carport. The maintenance is very basic.



Chairman Paul Willardson asked if Nate Barnhill owns the property.

Nate Barnhill said he is leasing it.

Chairman Paul Willardson asked if there would be large quantities of fuel stored onsite.

Nate Barnhill responded that he will require people to bring the equipment back fueled. They will probably have a fuel tank on a truck or trailer.

Commissioner Angi Bair said she is concerned with the chain link fence, with razor wire, as you come into Hyrum.

Nate Barnhill said he does not want to do razor wire. If he can have cameras and good lighting, as deterrents, he would prefer to do that. If he can find other ways to deter, he will. A possibility would be one strand of razor wire just along the top.

Commissioner Angi Bair said that they would require a privacy fence around the whole business since he would be storing equipment. The city has a requirement that parked vehicles and equipment need to be covered.

Nate Barnhill said that would diminish the business' exposure. Because it is a rental store front, not storage, he would like to keep it exposed.

Commissioner Brian Carver asked what the height of the pole-mounted lights around the parking area are going to be.

Nate Barnhill said that he isn't quite sure. He wants to keep them low.

Commissioner Brian Carver asked about drainage. If the plan was changed to slag, how permeable would it be?

Nate Barnhill said the slag has no permeability. There would be two drain holes and a 24inch perforated pipe between the two.

Commissioner Terry Mann asked if there would be a drip system.

Commissioner Angi Bair asked if trees are required and if the plan meets the landscaping requirements.

Nate Barnhill said he was thinking of having desert grasses so that he would not have to use a lot of water.

Commissioner Brian Carver said that it is a hard area to maintain landscaping without investing a lot of money. He does not think that they would require a lot of landscaping.

Nate Barnhill said the whole idea is to provide a valuable resource to the community.

Commissioner Angi Bair said she feels like it still needs to have a privacy fence in front since there will be parked equipment. Advertisement can be through signs rather than visible equipment. There needs to be consistency with how parked equipment is managed.

Nate Barnhill asked what the regulation on parked vehicles is and where it comes from. Is it all vehicles or a specific classification.

Commissioner Angi Bair said in the past it has been more repair places and things like that not a car lot.

Commissioner Brian Carver said it comes back to the vehicle storage rules. This is a different kind of commercial operation. This is not just outdoor storage. The business is showing customers what is available.

Commissioner Angi Bair said it is confusing because the plans show parking/storage.

Chairman Paul Willardson asked if Nate would be storing anything there or would everything be available to rent.

Nate Barnhill said he might have a forklift that he uses to move a trailer here and there.

Commissioner Terry Mann said she understands that it is the business. It is like taking all of the windows out of a store.

Commissioner Blake Foster said he would prefer a nice fence on the back side.

Nate Barnhill said he is leaning on chain link to save on repair costs.

Zoning Administrator Matt Holmes said the storage requirement with the screened fence is in the industrial section. The property is not being used for industrial, it is being used for commercial. The only screen Nate Barnhill needs to provide is along the

residential area along the back.

Chairman Paul Willardson said it is a lot like a car dealership. The product that would be marketed is in that area.

Zoning Administrator Matt Holmes said that Nate would be advertising what he has available. People would not need to call to see what he has.

Commissioner Brian Carver said that if a fence is not in the ordinance for this zone then it can't be required.

Commissioner Blake Foster asked if Nate is going to fence the whole property and put slats on the backside.

Nate Barnhill said the front will be open chain link and the back will have privacy slats.

Commissioner Angi Bair asked how big the brown area is.

Nate Barnhill said he has not measured it as the design is more of a conceptual layout.

Zoning Administrator Matt Holmes asked if the area was scaled. It is measuring approximately 160X100 for the brown area.

Nate Barnhill said that they would not need to reapprove low cut traffic, etc. The accesses are all fine with the entries and exits.

Commissioner Brian Carver said that the site plan is lacking the lighting plan, and the drainage plan. Those are all required elements before they can give a site plan approval. If Nate is looking for editorial feedback, it is a solid start. They need more details before they can officially proceed.

Nate Barnhill asked if the landscaping was okay.

Commissioner Brian Carver said it is not required to have trees on commercial frontage.

Zoning Administrator Matt Holmes said the code is vague. It says a well landscaped plan.

Chairman Paul Willardson said he thinks that Nate Barnhill's plan fits that requirement.

Nate Barnhill asked if there was anything else he needed besides

utilities, drainage, and lighting for his site plan.

Zoning Administrator Matt Holmes said that the utilities are already there. There is a fire hydrant on the south side and there is the possibility of moving it back or forward.

**ACTION**

**Commissioner Brian Carver made a motion to recommend site plan approval for a commercial development located at 280 North 800 East (Highway 165) with conditions to complete a full site plan with drainage, lighting, and other elements required by code. Commissioner Blake Foster seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

**BRET BYWATER - TO REQUEST A TWO LOT MINI-SUBDIVISION LOCATED AT APPROXIMATELY 340 NORTH 400 WEST, CONSISTING OF 1.76 ACRES.**

Kevin Mulvey said Bret Bywater is splitting the property because Dominion Energy has put an offer on the lot to buy it. Dominion Energy wants to improve their already existing regulatory station that is on 300 North, on the way to Wellsville. Currently there is a four-inch, high pressure gas main they want to update and remodel on a bigger footprint. Dominion is bringing in an eight-inch, high pressure gas main. They want to cover the industry that is already here, provide for future growth, and provide for the city's new power generation station.

Commissioner Terry Man asked if that's what lot two would be.

Zoning Administrator Matt Holmes responded yes, they need somewhere that's already zoned industrial.

Commissioner Paul Willardson asked if the new eight inch line plugs right into lot two.

Zoning Administrator Matt Holmes responded that the contractor will bring the line up the south side of 300 North. The current plan is 100 feet west from the intersection, come across the street over and then up into this lot from 300 North.

Chairman Paul Willardson asked if this lot makes good sense for where they are bringing in the bigger line.

Zoning Administrator Matt Holmes said it is a good place to bring it in. From there, they can divert it to all the places that it needs to go.

Commissioner Angi Bair asked how big the lot is.

Kevin Mulvey responded that it is about 1/3 acre.

Zoning Administrator Matt Holmes said that it is 112 X 1125.

Chairman Paul Willardson asked if there were any staff comments and if these things are very noisy.

Kevin Mulvey said just ambient noise, very subtle.

Zoning Administrator Matt Holmes said whenever he has been around a station like this, he has not heard much noise at all.

**ACTION**

**Commissioner Angi Bair made a motion to recommend approval for a two lot mini-subdivision located at approximately 340 North 400 West, consisting of 1.76 acres. Commissioner Terry Mann seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.**

**CURTIS KNIGHT - TO REQUEST APPROVAL FOR A REZONE OF NINE ACRES FROM RESIDENTIAL AGRICULTURAL TO LIGHT INDUSTRIAL, LOCATED AT APPROXIMATELY 350 EAST 300 NORTH.**

Karther Knight said that according to Hyrum City's general plan, this is the perfect spot for light industrial zoning. There is a need for storage units, so that people can store and keep their valuables safe. The option is to have it light industrial or residential.

Commissioner Terry Mann asked if there any regulations on storage units.

Zoning Administrator Matt Holmes said that storage units are zoned as a permissible use in light and heavy industrial zones and as conditional use in commercial zones.

Commissioner Terry Mann thought the Planning Commission discussed only allowing so many storage units because the city already had several.

Zoning Administrator Matt Holmes responded if it is in the permitted use for the zone, they can't deny that use, unless there is a safety problem or it does not meet code.

Commissioner Terry Mann asked if Curtis Knight is just

requesting to change it from residential/agricultural to light industrial.

Commissioner Angi Bair asked if Brad C Nielsen Living Trust parcel 01-006-0011 is light industrial zone.

Zoning Administrator Matt Holmes replied yes.

Commissioner Brian Carver said the Planning Commission isn't supposed to take into account what the landowner plans to do with the property. They have to think about all the types of light industrial land use and if they are appropriate in the surrounding neighborhood.

Corrinne Knight said the Hyrum City plan says that the north side is for light industrial land use. They are not set on storage units. They want to do what the city wants them to do with that piece of property. They want to see it rezoned to light industrial or heavy industrial because that's what fits in that area.

Commissioner Brian Carver said he is not opposed to storage units, but they need to consider all the options that a light industrial parcel could bring. Once the zoning is changed, they would not be able to prohibit certain uses. Storage units might be a great fit, and once the zoning is changed they can do that. They agree that the north side of the community is a great location for light and heavy industrial, but they also want to look for opportunities to buffer the industrial growth from residential activities. Some parts of the community desire to try to maintain more of an agrarian area. The City Council will need to weigh in on it.

Corrinne Knight said that 300 North is a highly trafficked road.

Karther Knight said they have noticed that the area in general is industrial. The city has already started doing light industrial and then residential zoning. It's a great fit right between that median because of low traffic count and less people there.

Chairman Paul Willardson asked if the Planning Commission would be able to make a decision on December 28, 2023 after holding a public hearing.

Zoning Administrator Matt Holmes responded yes.

Chairman Paul Willardson asked if there would be a delegation with the Knights again.

Zoning Administrator Matt Homes said added to the meeting on December 28, 2023.

Commissioner Brian Carver said all of the comments that were made will be considered. They won't start over. If no one shows up with additional comments, then they will get a decision on the 28<sup>th</sup> of December. This is the last green open area of Hyrum, but at the same time it is being encircled by other development. It is 500 feet from residential. A block west is already light industrial.

Chairman Paul Willardson asked Zoning Administrator Matt Holmes what the Planning Commission should base their decision off of. The general plan is a base to work from.

Zoning Administrator Matt Holmes said that this is a legislative action. If the governing body does not feel that it is appropriate for this area then they do not have to approve it. The Planning Commission makes a recommendation to the City Council.

Commissioner Brian Carver said the Planning Commission takes the request in and looks at it in the scope of the City's general plan and the vision of the community. They decide if this fits the plan and vision of how they want to see the community change.

Zoning Administrator Matt Holmes said that if the City Council denies it, the only recourse they have to repeal it is if the decision was illegal, capricious, or arbitrary.

Commissioner Brian Carver added if they don't like the decision, they can take it to public referendum or they can vote the legislative body out.

Commissioner Angi Bair asked Zoning Administrator Matt Holmes if they could change the zone on just one parcel or would they have to include the surrounding parcels.

Zoning Administrator responded yes, it gets into pocket zoning, which they need to be careful with. People do not want a business, like a convenience store, right in the middle of a residential neighborhood. Things to consider are what it is going to do to the neighborhood and to the existing zones around

it. Is it something good for the city or is it detrimental.

Commissioner Angi Bair said it is important to consider what the other parcels around it would do and how it would affect their development rights.

With this delegation being discussion only, there was no motion made. It will be added to the next meeting's agenda.

**MATT NIELSEN - TO REQUEST A 17-LOT SUBDIVISION LOCATED AT APPROXIMATELY 705 EAST 1100 SOUTH, CONSISTING OF APPROXIMATELY 8 ACRES.**

Zoning Administrator Matt Holmes said this is a concept plan. With Title 16 changing, concept plans are going to be out as soon as February. This is an administrative approval. They are looking at code to see if it meets requirements.

Matt Nielsen said that a couple of things that the canal company wants is a 15-foot easement instead of 10 feet, which is fine. They will put a vinyl fence around the whole thing.

Zoning Administrator Matt Holmes said this property came in for a concept plan 2-3 years ago. The last time this came in they were told to figure out the survey. One of the problems was a house was built on the corner of the property line. They will have it added to the plat to say that this fence line has been accepted under the doctrine of boundary by acquiescence. Everything south of 6200 or 6300 in the annexation agreement that was brought into the city. Even though it is zoned as R-2, it has a minimum frontage of 99 feet and a minimum square footage of 14,520 which is nearly a 1/3 acre. This meets those minimum requirements.

Commissioner Angi Bair asked if there were any notes on this.

Zoning Administrator Matt Holmes said there are a few notes, but where this is just a concept plan, they haven't gone through to make sure code is met on everything. That will be in the final plat stage.

Matt Nielsen said the idea of this plan is to get affordable housing to people. He doesn't plan to build 800,000 homes on this property. He wants to build smaller homes that people can afford to live in.



Zoning Administrator Matt Holmes said there probably won't be any basements in these homes. When that canal is flowing, the ground water is about 3 feet deep.

Commissioner Angi Bair asked if the plat would state no basements allowed like they have done in the past.

Zoning Administrator Matt Holmes said they could have that as a precautionary note to anybody purchasing the property, if they even look at the plat. Most people don't look at the plat when they buy a home.

Matt Nielsen said that he is going to build every home so that will solve that problem.

Chairman Paul Willardson asked how long Matt Nielsen has owned this property.

Matt Nielsen answered that it is under contract right now.

Chairman Paul Willardson asked if Zoning Administrator Matt Holmes sees any issues with utilities getting there.

Zoning Administrator Matt Holmes responded that the sewer and irrigation currently run on the north side of the street. Those were put in for Canyon Estates. There was a pioneering agreement made at that point, but the city doesn't enforce it. There is a cost that is passed on per acre to any new development that comes in. Water is on the south side of the street. It will need to be trenched across and connected at the intersections that he is proposing and then extended to the north of the property line, so that when that lot is developed, they won't need to dig up all of the streets to get to those.

Chairman Paul Willardson asked if there is any need for a lift station.

Zoning Administrator Matt Holmes said there is already a lift station there that the sewer would drain to.

Chairman Paul Willardson asked if that lift station can handle that capacity.

Zoning Administrator Matt Holmes said that it can handle up to about 200 lots.

Commissioner Angi Bair asked if there was a reason the roads have a little bit of curve on them.

Matt Nielsen said it was so they could hit the square footage of the lots and to use up the land. They are just bigger lots. They used up all the space that they could.

**ACTION**

Commissioner Brian Carver made a motion to recommend approval for a 17-lot subdivision located at approximately 705 East 1100 South, consisting of approximately eight acres as a concept. Commissioner Angi Bair seconded the motion and Commissioners Bair, Carver, Foster, Mann, and Willardson voted aye.

**OTHER BUSINESS:**

**MATTHEW HOLMES - CONSIDERATION AND RECOMMENDATION OF AN AMENDMENT TO THE HYRUM CITY CODE REGARDING STATE-MANDATED CHANGES TO THE SUBDIVISION ORDINANCE PERTAINING TO ADMINISTRATIVE APPROVALS OF SINGLE-FAMILY, TWO-FAMILY, AND TOWNHOME DEVELOPMENTS.**

Zoning Administrator Matt Holmes said all municipalities and counties will have a relatively uniform process. The city can no longer require concept plans. The city council can no longer be an approving body for the preliminary plat or the final plat. Planning Commission can only see a preliminary plat. The final approval is done by an administrative land use authority which needs to be decided upon.

Chairman Paul Willardson asked if the administrative land use authority could have members of the Planning Commission and City Council on it.

Commissioner Brian Carver said he is not sure if they can have members from those groups be part of the administrative land use authority. He does not think that it is defined what the administrative land use authority has to consist of.

Zoning Administrative Matt Holmes said that he's not sure. He knows that staff is mentioned as a possibility or a separate board.

Commissioner Brian Carver asked who appoints them.

Zoning Administrative Matt Homes said the said the City Council appoints them.

Commissioner Terry Mann asked if public meetings will still happen.

Zoning Administrator Matt Holmes answered people can still come in to the public meetings. It's up to the city body to decide if they accept any comments. If the city is doing a delegation for any kind of plat or anything administrative, if there's not a public hearing, the public does not have the right to comment. The body can give them the opportunity to comment, but they have no right to comment on that process.

Zoning Administrator Matt Holmes asked if the Planning Commission likes the idea of a standard process for all subdivisions.

The Planning Commission said yes.

Zoning Administrator Matt Holmes said that would eliminate concept plans for industrial and commercial subdivisions or they include a concept plan for those.

Commissioner Angi Bair said she thinks it's a good idea to keep a concept plan for industrial and commercial subdivisions to have a little more thought process.

Zoning Administrator Matt Holmes said if they review concepts for industrial/commercial and PUD, they can get Planning Commission approval for the singles in the code and then they could take it to City Council.

The Planning Commission said that this was a good idea.

Zoning Administrator Matt Holmes said he wanted to rework some of the definitions to make them clearer. The new process requires the final plat and the construction drawings to be approved at the same time. The state is requiring that in the preliminary stage for when they bring it for approval, with 15 business days for review and back with comments. The application must be complete, showing them everything that they need to submit with a checklist. They will go through the preliminary approval cycles and then get it ready for Planning Commission. It is vague whether there can be a separation between those 15 days and bringing it to Planning Commission. The way he thinks it works is they get it to where it meets those requirements. Then it is taken to Planning Commission before going back to Matt for submission as a final

application. Then they submit to him the construction drawings and the final plat. Then he has 20 business days to make that review cycle. He only gets four review cycles, but if they are unresponsive to the comments, they can count that as the first cycle. They can't add extra things in on later cycles that should have been done on the first. The first one needs to be thorough and the other three are to help work issues out. Zoning Administrator Matt Holmes read through changes in the Zoning Ordinance definitions. He asked if the Planning Commission wants to change the definition of lot and parcel to match the state's definition.

Commissioner Angi Bair said that she thinks it would be more clear if it matched the state's definition so that there's no ambiguity.

Zoning Administrator Matt Holmes said lot as defined by the state means a portion of the real land legally created by subdivision, exempted from subdivision, or parcel of land that was created prior to the adoption of a subdivision ordinance and is intended as a unit for building development or transfer of ownership. Sometimes used interchangeably with "Parcel." If they want to divide those two definitions they can to make it clear by subdivision or exempted from subdivision. Matt said he's not sure if they have fully defined public works committee. They need to decide who is going to be on the public works committee. Concept plan approval is recommended but not required for single family dwellings, two-family dwellings, or townhomes within neighborhoods zoned to allow such without legislative action by the City Council. All other developments, including Planned Unit Developments, are required to obtain concept plan approval. Matt asked if the Planning Commission was still okay with this concept plan approval.

The Planning Commission said yes.

Zoning Administrator Matt Holmes discussed the submittal of the concept plan to him. The city is looking at different software where all the applications can be made online. People don't need to come into the office. It has a complete list of what they need to include in the application. They can accept or deny the application based on what is given. Matt discussed the change of Planning Commission members to individually visit the site without the developer present.

Commissioner Angi Bair said that she like the idea of changing

"shall" to "may" because with GIS maps, it's not as necessary.

Zoning Administrator Matt Holmes said that if the visit is accompanied by the developer, he's not sure how they want to arrange that.

Commissioner Brian Carver said a site visit crosses the line into a public meeting if there are three members of the Planning Commission. If one member meets with the developer then they are making ex-parte communications with the developer.

Zoning Administrator Matt Holmes asked if they should change "shall" to "may" and strike out "accompanied by the developer".

The Planning Commission agreed with these changes.

Zoning Administrator Matt Holmes said that administrative business does not require public hearings. The new law says they cannot require public hearings for administrative approval.

Commissioner Terry Mann asked if that will just go away.

Zoning Administrator Matt Holmes said they can change "will" to "may". If the developer wants the concept plan and public comment, they are welcome to that. He continued reading through changes of the Zoning Ordinance. He added where a concept plan is required, the preliminary plat must follow closely. Matt discussed if the city wants animal rights for specific lots.

Commissioner Angi Bair said she can see reasons for having partial animal rights.

Zoning Administrator Matt Holmes said that from an administrative enforcement standpoint, it is easier to have animal rights or not.

Commissioner Brian Carver said that they could leave that amount of detail up to the neighborhood CCNR's. He would be in favor of making it an affirmative action to maintain animal rights.

All Planning Commission members agreed.

Zoning Administrator Matt Holmes continued to read through the changes made to the Zoning Ordinance. The new administrative land use authority will need to hold public meetings. He discussed whether the subdivider or the person who builds on the lot should have the responsibility of planting trees.

Commissioner Angi Bair commented that she does not like the idea of there being so many different kinds of trees in a neighborhood.

Zoning Administrator Matt Holmes said the City wants to put together a packet that tells builders what lots require. The City can tell them what kind of trees they need to plant. He discussed whether they should require a specific location for the utilities or allow a developer to show them how it will fit.

Commissioner Angi Bair said likes the idea of it being flexible and allowing the developer to show how it will fit.

Zoning Administrator Matt Holmes said they could make it lot dependent. They may only need to be reassessed on a PUD. He resumed reading through the proposed changes to the Zoning Ordinance. Matt discussed the effective period of a final subdivision plat approval. He asked if they want to allow the City Council to extend an approval.

Commissioner Angi Bair said she thinks they should have an extension.

Zoning Administrator Matt Holmes suggested that they limit the number of extensions.

Chairman Paul Willardson said he thinks there should be one extension for up to one year.

Commissioner Angi Bair said she thinks a five year extension might be better.

Zoning Administrator Matt Holmes finished reading through the changes proposed in the Zoning Ordinance with no further discussion from the Planning Commission.

**ADJOURNMENT:**

**ACTION**

**There being no further business before the Planning Commission, the meeting adjourned at 9:56 p.m.**

\_\_\_\_\_  
Paul Willardson  
Chairman

ATTEST:

\_\_\_\_\_  
Shara Toone  
Secretary

Approved: \_\_\_\_\_  
As Written