

Hildale City Planning Commission Meeting

320 East Newel Avenue, Hildale, Utah 84784

Monday, July 2, 2018

Present:

Commissioners: Randy Barlow, Brigham Holm, Nephi Allred, Charles Hammon, Jennifer Kesselring

Staff: John Barlow, Christian Kesselring, Mariah La Corti

Public: Rosaleta White, Heber White, Vance Barlow, Joseph Allred, Charles Bradshaw, Margaret Williams, Joan Barlow, Eric Velander

Court Monitor: Roger Carter

#1 Call to Order

Commissioner Allred called the meeting to order. He welcomed everybody to the first Hildale City Planning Commission Meeting.

#2. Roll Call

Roll was taken. Quorum present.

#3. Pledge of Allegiance

John Barlow led the Pledge of Allegiance.

#4. Introduction of New Members

John Barlow presented. The Mayor apologized for her absence today. He thanked all of the commissioners for their time and commitment. He briefly introduced each of the commissioners.

Commissioner Allred gave a brief history of the planning commission. He welcomed each of the commissioners to the board.

#5. Approval of Minutes of Prior Meeting

A few corrections were noted.

Charles Hammon moved to ratify the minutes of the June 4, 2018 meeting as amended.

Brigham Holm seconded. Roll call vote:

	YES	NO	ABSTAIN
Nephi Allred	X		
Charles Hammon	X		
Randy Barlow	X		
Brigham Holm	X		
Jenn Kesselring	X		

Motion carried.

#6. Public Comment

Jared Nicol thanked Nephi and Charles for their willingness to serve on both boards and the other commissioners for their service on this board.

Commissioner Allred gave the board members a brief rundown of the administration of Hildale City.

#7. Zoning Ordinance Update

John Barlow presented. He informed the board that Jim Peterson has taken other employment. John has taken on the responsibility in his absence. John explained that the actions taken by the planning commission do not have to be ratified by the city council. There was brief discussion on this matter regarding the appeal process. Charles Hammon suggested that an appeal process be set up before making legislative decisions, he feels it would be reasonable to have an appeal board established by the city. Attorney Kesselring explained that our current code outlines an appeal authority that is contracted out. Mayor Allred informed them that Josh Jones is the current appeal authority. He explained his concerns about having the city council serve as the appeal authority; there is not a separation of authority. He explained that the planning commission puts the rules in place that become ordinances which go before the city council for approval.

There was brief discussion on agenda items, how to get items on the agenda, how the agenda posted, etc.

John stated that he has many concerns with the last proposed zoning ordinance. He proposes that the administration start with a new template.

Nephi Allred talked about the need to keep the ordinances for the two cities similar to each other. Charles Hammon asked for explanation as to why the proposed zoning ordinances from 2016 and February of 2018 were provided in the packet. John explained that they were provided as everything that has been proposed, strictly for context. Commissioner Allred suggested that these not even be discussed, and that the staff come before them with an updated document for recommendation. The draft that Colorado City proposed today is a template that can be started with, the benefit of such is that as the documents is perfected in Colorado City, Hildale will benefit from it, and vice versa. Commissioners requested that a copy of that be sent to them via email.

John explained that there are a number of problems with conditional use permits. Municipalities use them as a way to introduce discretion. As John drafts, he would like to reduce conditional use permits by thoroughly defining what is and what is not acceptable.

Commissioner Barlow asked what the plan to replace Jim Peterson is. John explained that this is a question that has not been addressed. He will come back with a proposal next meeting.

#8. Informational Summaries

Roger Carter addressed the board. As the court monitor he plays a specific role in land use ordinances. His primary responsibility is to ensure that no forms of discrimination occur. He encourages the two cities to have well-articulated processes to prevent any vulnerabilities. John informed the board to expect a lot of information in the coming weeks.

The members were provided with information regarding what the role of the planning commission is. Commissioner Allred went over a few specific items, including some rules, duties and guidelines. He shared a little about what he has learned over the last few years serving on the board.

He explained that the general plan expresses intent, it is not an enforceable document. The zoning ordinance is a law with penalties and consequences for not following it. If the city wants to be able to regulate for the future development and success of the community, it is important to have a zoning ordinance in place. The zoning ordinance is the most litigated document in city government, so there must be a good ordinance in effect.

Commissioner Allred mentioned that he lives in Denver and was planning on resigning earlier this year, but the cities asked him to stay on to see the zoning ordinance through. He enjoyed the knowledge, acquaintances and the sense of fulfillment that his service has given him. He announced that for personal and business reasons he has decided to resign from both commissions on September 4, 2018.

Charles Hammon asked what should be discussed in an informational summary. John explained that generally it would be a non-specific informational item from the staff to the commission. In this circumstance, Commissioner Allred worked with John to prepare the informational handout.

Vance Barlow, Colorado City Town Manager, clarified that it was put on as a place for staff to brief the commission on upcoming projects or report on projects that are not yet ready for an agenda item, or for important information, like provided at this meeting. No action may be taken on any items discussed.

There was brief discussion on the general plan. The planning commission is tasked with recommending a general plan. Attorney Kesselring recommended that the planning commission stay in touch with the city council when discussing the general plan to make sure they have the same sense of direction. Commissioner Hammon stated that it is not uncommon for a committee to be put in place to prepare a general plan. He suggested strongly that they focus on zoning ordinances right now, then revisit anything they would like to revise.

#9. Consideration and Possible Action on Land Use Application for Canaan Mountain Holdings, LLC

Presented by John Barlow. A copy of the land-use application was provided in the packet. Lorin Zitting has requested to use this for industrial purposes. He is requesting a grading permit and approval of the land use application. This may be a difficult decision due to the lack of zoning ordinances. John spoke with Sunrise Engineering regarding this, and they made a few

suggestions. There is a development agreement being drafted between Mr. Zitting and Hildale City. Attorney Kesselring explained that when that is ready to be decided on, it will be brought before the Planning Commission. He referred the board to Hildale City Code Sec 31-65 subsection B6 for the responsibilities of the planning commission. A land use request such as this would be compared to the zoning ordinance. Because there are no ordinances in place, the board must use their discretion.

Commissioner Allred pointed out that an industrial building right off the highway may be an eye sore to the town. Charles Hammon asked what the options are legally. Attorney Kesselring stated that since Hildale does not have ordinances in place, the board would have to have a compelling countervailing interest as to why it should not happen. His advice would be to be very careful about denying an application at this point in time.

Commissioner Hammon asked to focus on the land use application. He has read the development standards for Colorado City, which are very similar to those of Hildale. In that document it states that there is a process to be followed. This application does not state what is being applied for. John explained that Mr. Zitting is specifically asking to use this land as a machine shop. Commissioner Hammon gave a few recommendations on how to present the land use applications in the future, based on what he has experienced.

There was brief discussion on development standards and agreements. A lengthy discussion took place about details of the request and what the board would like to see when these are brought before them to address their concerns.

This item was tabled for lack of information, to be re-addressed at next meeting.

Charles Hammon moved to table this item due to lack of information, to be re-addressed at next months meeting with information on what they are applying for, what the grading permit will include, and a staff summary and recommendation. Randy Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Nephi Allred	X		
Charles Hammon	X		
Randy Barlow	X		
Brigham Holm	X		
Jenn Kesselring	X		

Motion carried.

#10. Discussion and Possible Action on Meeting Time

Nephi Allred presented. Traditionally the meeting has been held the first Monday of every month at 5:00 pm. This needs to be scheduled so as to not conflict with Colorado City meeting.

Commissioner Hammon suggested that the next meetings be scheduled for 7:00 pm on the first Monday of the month. With discussion it was decided this would be the case until the resignation of Commissioner Allred, and it would be re-addressed at that time.

Randy Barlow moved to change the Planning Commission meetings to the first Monday of each month at 7:00 p.m. until otherwise changed. Brigham Holm seconded. Roll call vote:

	YES	NO	ABSTAIN
Nephi Allred	X		
Charles Hammon	X		
Randy Barlow	X		
Brigham Holm	X		
Jenn Kesselring	X		

Motion carried.

#11. Adjournment

With no other business, meeting was adjourned at 8:05 P.M.

I verify that a copy of the notice and agenda was delivered to the Planning Commission members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the Planning Commission Meeting on _____.

Vincen Barlow, City Recorder