

# Hildale City Council Town Hall Meeting And Work Session

320 East Newel Avenue, Hildale, Utah 84784

Wednesday, November 14, 2018

## **Present:**

**Mayor: Donia Jessop**

**Council Members: Stacy Seay, JVar Dutson, Jared Nicol, Maha Layton, Lawrence Barlow**

**City Recorder: Vincen Barlow**

**City Manager:**

**Staff: Christian Kesselring, Harrison Johnson, Leonard Black, Mariah La Corti**

**Public: Mary Ann Harker, Nelda Johnson, Marion Zitting, Kyle Layton, Jeff Barlow, Joan Barlow, Fred Zitting, Brigham Holm, Charles Hammon,**

## **#1 Call to Order**

Meeting called to order at 6:00 p.m. Roll taken; quorum present.

JVar Dutson came in around 6:15.

## **#2. Pledge of Allegiance**

The crowd joined in the pledge of allegiance.

## **#3. Public Comment**

Jeff Barlow addressed the council regarding multi-family for existing large homes. He has spoken with the Planning and Zoning Commission regarding this matter multiple times. There are 5 properties specifically that he is requesting to be zoned as multi-family (Drue Cooke house, David Zitting house, Lamar Johnson house, Allen Steed house, and Ed Holm house), rather than single-family residential. The UEP has spent years dealing with these properties. They now have individuals willing to do conversions but are seeing the city as an obstacle. He feels the process should be whatever is the easiest for the people. He briefly mentioned the Don Timpson property in Maxwell, he feels the conflict should be resolved outside Planning and Zoning.

Mary Ann Harker owns a property at 350 West Uzona. She is okay with her lot being residential agricultural, but she wants to make sure people can't just build additional structures on their property and that the property owners are complying with the zoning ordinances.

Kyle Layton asked the council to take a close look at the certificate of occupancy and amnesty permit and re-zoning policies. He feels that these are the two biggest policies that are going to affect residents.

JVar Dutson, speaking as a member of the public, asked John if he has come up with a list of the qualifications for large home conversions for multi-family zoning. John explained that he will be asking the Council to make that policy in the following work session. He explained his

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understanding that the amnesty permit is required for the safety of the occupant, not for everything to be brought up to code necessarily.

**Maha Layton moved to close the Town Hall Meeting.  
Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#6. Executive Session**

This was held at this point to accommodate Harrison Johnsons schedule. Will be done again at the end of the meeting.

**Maha Layton moved to go into Executive Session for the Discussion of Acquisition of Real Property.**

**Lawrence Barlow seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**JVar Dutson moved to close the Executive Session and Open the Work Session.  
Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#4. Open Discussion on Land Use Ordinances**

None

## **#5. Work Session**

John Barlow has written policies in the ordinance based on the decisions that the Planning and zoning Commission made. The council is being asked to decide if they like the policies or not.

### **A. Higher Density in Developed Areas**

In cases that are developed or subdivided into small lots and the Commission does not think it's critical for it to be high density and the land owner wants higher density, should the land owner want higher density they must go through the re-zone process. Jared explained the reasoning behind this thinking.

Lawrence explained that when you take a large area and subdivide it into smaller lots it is good sound judgment to leave it zoned as is and make the property owner provide a plan to support the infrastructure. Maha has no doubt that the areas will look different in the future and supports the concept. JVar is against the idea that the Planning Commission is in control of somebody else's property. He feels that people should be allowed to use their property as they have planned, without a whole bunch of paperwork. Stacy pointed out the importance of processes and consistency. Maha responded with an explanation of how future development may affect utilities if not properly developed. JVar agreed that people should be encouraged to come up with a plan.

Jared asked John for an explanation about the areas that are zoned for high density. John explained that it is beneficial to have higher density concentrated near public infrastructure i.e. schools, libraries, etc. Just because it is zoned high-density does not mean that they have to split their lot, it just gives them the opportunity to do so if they choose.

Lawrence, Stacy, Jared and Maha agree to support the Commission's recommendation. JVar did not agree.

### **B. Higher Density in Non-Developed Areas**

In cases that are not developed or subdivided into small lots (less than 4 acres) and the Commission does not think it's critical for it to be high density and the land owner wants higher density, should the land owner want higher density, they must go through the re-zone process.

Maha, Stacy, JVar, Jared and Lawrence agree to support the Commission's recommendation.

### **C. Multi-Family for Existing Large Homes**

In cases that a large home (<7,000) exists and the house has at least half of its useful life left, and the property owner wants it and the Commission does not think it's critical that the area be high density then the land owner should go through a re-zone application process. Any multi-family development would require a preliminary and final site review and approval under the proposed ordinance.

A few specific examples were discussed. Mayor Jessop asked about the process under this policy vs. the process if they were to be zoned multi-family. John explained that the owner would be

required to go through a process under this policy, whereas it would automatically be approved otherwise. Christian read aloud the re-zone process and standard for the decision. He also explained that one downfall of zoning multi-family is the more stringent uses, on the chance that the conversion does not work out. Stacy would very much like to approve the UEP's request.

Lengthy discussion on all sides of this matter took place and a number of different ideas were brought up. The council was reminded that they have the discretion to set the policy. Lawrence pointed out that they have the right to amend the policy as needed. John directed the council to not consider legal risk in this, any option they choose will be okay, they simply need to decide what they want.

Kyle Layton addressed the council about the importance of the step of notifying neighbors. He feels that the re-zone process is critical for this reason. Maha pointed out that it is pointless unless the council is actually going to take their opinions into consideration.

There are not procedures in place for Code Enforcement but it will be worked on.

Jared wanted to support what was recommended.

Stacy, JVar, Maha and Lawrence agree to approve a policy that allows homes that meet the following criteria to be zoned multi-family:

1. an existing large home (<7,000)
2. has at least half of its useful life left
3. the property owner wants it
4. the Commission does not think it's critical that the area be high density
5. the owner has requested it in a public hearing
6. and it meets the approval standards of 152-7-7(e)

#### **D. Recreational Resort**

In the case that there is no preliminary site approval before the moratorium, there is at least 5 acres, recreational resort is a compatible use for a specific area, the property owner wants to be zoned recreational resort and the property owner does not have a concept drawing available at the present time, the property owner would have to go through a rezone process before the property would be zoned recreational resort.

Jared began by asking the difference between a recreational resort and agricultural. John responded with definitions of each.

Maha, Stacy, JVar, Jared and Lawrence agree to support the Commission's recommendation.

#### **E. Recreational Vehicles**

In the case that short term rentals are allowed in residential areas, commercial rentals of OHV recreational vehicles are not allowed.

Stacy disagrees, she feels that it would not hurt anybody to allow rentals from any location. Jared disagreed.

JVar and Jared agree to support the Commission's recommendation. After discussion, Maha, Stacy and Lawrence agree to conditionally permitted commercial rentals of OHVs, with the condition being that they can only rent to their guests, with a limit of 1 per room.

#### **F. Transient Rooms in Residential Areas**

In cases that there is a property in a residential area (residential, agricultural residential and agricultural, but not multi-family) it is conditionally allowed to rent up to ten (10) bedrooms.

Maha, Stacy, JVar, Jared and Lawrence agree to support the Commission's recommendation.

#### **G. Occupancy Permits**

In cases that there is a structure then it is required to have an occupancy permit; however there is an amnesty path to get an occupancy permit that is less invasive. The amnesty permit should be as easy as possible to get while still not permitting structures with safety problems that could result in loss of life or serious injury.

This has been removed from the land use ordinance and moved into the building code. Lawrence addressed a concern about the language. The requirement is, if you live in it, it has to be finished and safe. Charles Hammon explained why an occupancy permit is important. There are costs to the city for going down this road, the Planning Commission recommended that the City make the fee large enough to cover those costs. Charles reiterated that this is already required by building and land use codes, the council is being asked if they want to set a process for being in compliance or repercussions for being non-compliant.

Council is unanimously in support of setting the process.

#### **H. Allowed Non-Conforming Uses, Structures and Lot Sizes**

In cases that there is a structure or there is a use or there is a lot size and it does not conform to the proposed ordinance, it will be allowed if it: legally existed before the moratorium was enacted and it's nonconformance is not increased. John gave an example of each of these cases.

JVar expressed a concern that being non-conforming would lower the value of a property. Maha explained her understanding that this is protecting individuals from an undesirable change in the use of the property. Jared pointed out that this is extremely lenient, allowing individuals to continue to use their property as they presently are. There was discussion on exactly where to find this in the ordinance. John brought it up and read aloud to everybody.

JVar, Lawrence, Stacy, Jared and Maha agree to support the Commission's recommendation.

#### **I. Preliminary Site Permits Issued Before Moratorium**

In cases that there was a preliminary site approval before the moratorium was passed the property is zoned in the most like base or overlay zone to the intended use of the preliminary permit. There are three of these, an industrial lot, a recreational resort and an Airbnb site. None

of these are existing currently. Land use applications must be held to the ordinances in place at the time they are received. A final site approval will still be required.

These were administratively approved based on having no land use ordinances to refer to. There was no like zone for the Airbnb site therefore it is not reflected on the map.

Stacy pointed out that these property owners have been very clear about what they want, and that they should be accommodated. Jared asked if this will put the city at risk at all for any information that may have been missed or overlooked. John pointed out that is exactly what this policy addresses. Preliminary site approvals are only active for 1 year.

Maha feels that individuals currently investing in their property, with active business licenses are being left out. John explained how it is different; business licenses do not look at the future or zoning.

Maha and Jared would like to table for more information. Lawrence, Jared and Stacy agree to support the Commission's recommendation.

### **J. Property Disputes**

In cases that there is a proposed zone, and someone contests the ownership of property or contests the owner's rights to use or develop the land in a specific way and the restriction on use or title is not recorded to the property, Hildale City Council or Commission is not a court of law and will not adjudicate property disputes. Jared did express a concern about making sure that we are dealing with the land owner in any transactions.

Council unanimously agree to support the Commission's recommendation.

### **K. Commercial Camping or Glamping Sites**

This is addressed in Chapter 52, which allows for camping in a number of zones. This affects the look of the town and kind of people attracted to the town. The purpose of the moratorium was discussed. John brought up the high number of people making an income off of this type of business.

Jared recommended it not be allowed in RA-1, only agricultural, anywhere that it is already happening would simply be a non-conforming use.

Charles Hammon recently took a class specifically on this issue. Most areas are only allowing camping in one specific zone, on a certain acreage, with a certain density per acre. Brigham Holm proposed possibly reducing the number of sites allowed per acre.

Stacy and Lawrence agreed to reduce the number of allowed campsites. Jared, Maha and JVar agree to not permit camping in more dense areas than RA-1.

Maha brought up a few items for discussion, all of which are updated in version 2 of the draft.

There was brief discussion on ex-parte communication.

Jared requested a double check of the minutes and the record to make sure that everybody that requested multi-family has been addressed.

**#6. Closed Executive Session**

**Lawrence Barlow moved to go into Executive Session for the Discussion of Acquisition of Real Property.**

**JVar Dutson seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol		X	

Motion carried.

**JVar Dutson moved to close the Executive Session and reconvene the work session.**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

Jared asked the councilmembers to think long and hard about the time spent by the Planning and Zoning Commission to present this recommendation when making their decision on the 20<sup>th</sup>.

**#7. Adjournment**

With no other business, meeting adjourned at 11:20 p.m.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council 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 City Council Meeting on December 5, 2018.

Vincen Barlow

Vincen Barlow, City Recorder

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