**ESCALANTE CITY PLANNING AND ZONING**

**MARCH 12, 2024**

**REGULAR MEETING/ELECTRONIC MEETING - 6:00 P.M**

**PUBLIC HEARING/ELECTRONIC MEETING– 6:00 P.M.**

**ESCALANTE CITY COUNCIL CHAMBERS - 56 N. 100 W.**

Chair Tara Woolsey called the regular meeting to order at 6:00 p.m. in the Escalante City Council Chambers.

Present at said regular meeting were Chair Woolsey, Commissioners Terry Olsen,

Shane Meisenbach, Hayden Taylor, Paula Shakespear, Marlene Stowe and City Recorder Stephanie Steed. Commissioner Kristal Gurr was excused.

Also present were Marcie Hoffman, Erica Walz, Kevin Smedley, Terence Tontlewicz,

Katelin Martin, Ian Marynowski, Julie Brugger, Coco Kishi, Howard Hutchinson, Jeff Bevers,

Andy Ferrigno, Sue Fearon and Eric Andersen

**ADOPTION OF THE AGENDA**

**Commissioner Meisenbach moved to adopt the agenda as written. Commissioner Olsen seconded the motion. Motion carried with Commissioners Shakespear, Taylor, Olsen and Meisenbach voting aye.**

**APPROVAL OF MINUTES**

**MINUTES OF THE FEBRUARY 27, 2024 MEETING**

Commissioner Meisenbach said on page two it has Chairman Peterson and needs to be changed to Chair Woolsey. **Commissioner Meisenbach moved to approve the minutes of the February 27, 2024 meeting with the above correction. Commissioner Shakespear seconded the motion. Motion carried with Commissioners Meisenbach, Taylor, Shakespear and Olsen voting aye.**

**OPEN PUBLIC HEARING**

**Commissioner Olsen moved to open the Public Hearing at 6:02 p.m. Commissioner Meisenbach seconded the motion. Motion carried with Commissioners Taylor, Olsen, Meisenbach and Shakespear voting aye.**

Chair Woolsey asked everyone to please sign in and explained the public hearing.

**GENERAL PLAN MODIFICATIONS**

Kevin Smedley explained the update and the process of the General Plan modifications. Chair Woolsey asked if there were any questions or concerns from the public.

**JULIE BRUGGER**

Ms. Brugger said first she would like to ask what Kevins last name is and second, she wanted to understand what the extent of the public input was on the General Plan. Ms. Brugger said Mr. Smedley mentioned the open house and she is wondering if that was the thing where people went to the Community Center and filled out a survey with like four questions. Ms. Brugger asked is that what Mr. Smedley is referring to. Ms. Brugger asked if there were any other public meetings. City Recorder Steed said there were multiple meetings and work meetings on the General Plan and they were all posted on the Utah Public Notice Website. Ms. Brugger said they were posted as work meetings not public meetings. City Recorder Steed explained a work meeting is a public meeting. Ms. Brugger said she has been told a work meeting is not a public meeting. City Recorder Steed said that is not true. City Recorder Steed explained any meeting with a quorum is a public meeting. Ms. Brugger asked if there was input by the public at the work meetings. Ms. Brugger said she thought a work meeting was only for the Planning and Zoning Commission.

**MARCIE HOFFMAN**

Ms. Hoffman said she has a question about signage because that is one of her concerns. Ms. Hoffman asked if there is anything addressing and forbidding signs that look not within the historical look sort of like natural materials and addressing flashing bulbs, trying to keep signs down to the minimum and not signs that circulate or that are a blemish taking away from the historical atmosphere. Chair Woolsey said the signs are already a policy in the Zoning Code book.

**SUE FERRON**

Ms. Ferron said she is not sure what the process is for commenting. Ms. Ferron asked if she needed to wait until Ordinance 10.34.040 is called to comment. Chair Woolsey said yes, she will explain each ordinance and then open it up for comments.

**ORDINANCE 2024-06 AMENDING ORDINANCE 10.34.040 PROCEDURE FOR REZOING**

Chair Woolsey explained Ordinance 2024-06. Chair Woolsey asked if there were any questions or concerns from the public.

**SUE FERRON**

Ms. Ferron said this ordinance before amendment is thirteen months old and asked if this new one is in compliance with the state law. Ms. Ferron said the thing that jumped out at her is on 1A, the term directly affected. Ms. Ferron said she wonders if that term is defined anywhere or if it is subjective or case law with regards to directly affected and being defined. Ms. Ferron said she likes the definition of the one being appealed where it says properties within 500 feet because it has a little more specificity and in this new ordinance it would be helpful for guidance.

**JULIE BRUGGER**

Ms. Brugger said her question is what is the reason for changing the ordinance. City Recorder Steed said because we are going with the State Statute. Ms. Brugger asked what the State Statute means. City Recorder Steed said the state does not require you to mail out notices to people within five hundred feet only to the property that is going to be affected. Ms. Brugger said how does the state define affected property. City Recorder Steed said she believes it is the property that is being rezoned. Ms. Brugger asked how P&Z defines directly affected. City Recorder Steed said this is something the Commission can discuss during the decision on the ordinance and can look at a definition before it goes to City Council if they want to. Ms. Brugger said she also noticed one of the things removed said anyone who is not notified could be a reason to have it dismissed. Ms. Brugger said if that happens in this case with someone who has not been notified, they do not have any recourse in this new zoning ordinance. Ms. Brugger said she is asking for a response from the commission. City Recorder Steed explained this is a public hearing and the commission will take into consideration what is said and they can discuss it prior to making their decision. Ms. Brugger asked if that would happen later in this meeting. City Recorder Steed said yes.

**ERICA WALZ**

Ms. Walz said she lives at 125 East 100 North. Ms. Walz said she wanted to follow up on both of those comments and questions related to changing the wording of directly affected and who decides who is directly affected. Ms. Walz asked who sends out the letter, the City. City Recorder Steed said yes, the City sends out the letters. Ms. Walz said is it P&Z or the City Council or in conjunction with the P&Z and City Council deciding who is directly affected. Ms. Walz said her concern is who is deciding, is it going to be automatically anyone with adjacent property or within x-number of properties away. Ms. Walz said with directly affected you can still have a distance related to that. Ms. Walz said it just seems very arbitrary to her and it is interesting that the state puts it this way. Ms. Walz said and like Sue is interested in finding out if there is a statute that defines exactly what directly affected means because to her it seams like as the town is evolving and maturing that you would want your definitions of things to be more precise and less arbitrary as opposed to more arbitrary and this seems more arbitrary to her then everybody within five hundred feet. Ms. Walz said one of the questions she has to relate to that is maybe this could be people even beyond five hundred feet that are considered directly affected. Ms. Walz said it is just really unclear as a property owner what this means and she would be looking for more input from the Commission about what the statute means and how it will be used. Ms. Walz said also the failure to notify is the City’s responsibility, what if the City fails. Ms. Walz said she does not know if the City ever fails but what if they did with the project before them is that a possibility or a probability. Ms. Walz said she is curious why that was pulled out.

**ANDY FERRIGNO**

Mr. Ferrigno said he lives at 180 West 300 North. Mr. Ferrigno said he likes the ordinance prior to the amendment better than the amended ordinance for all the reasons people are stating. Mr. Ferrigno said he believes that notifying people within five hundred feet of a zoning change is far more transparent and allows people time to react. Mr. Ferrigno said the burden of the notification in the previous ordinance was on the applicant and if somebody comes in developing, they should pay their way. Mr. Ferrigno said any development should notify people if they are going to build a big box store or multi-unit apartment or something next to or adjacent to or across the street from single family residential. Mr. Ferrigno said zoning changes make a big deal. Mr. Ferringo said they are a big deal and affect people's property values, and there should be as much transparency as possible on the part of the City and the burden of that should be on the applicant. Mr. Ferrigno said he likes the ordinance before the amended ordinance.

**ORDINANCE 2024-07 AMENDING ORDINANCE 10.54.270 LOT LINE ADJUSTMENTS**

Chair Woolsey explained Ordinance 2024-07. Chair Woolsey asked if there were any questions or concerns from the public.

**JULIE BRUGGER**

Ms. Brugger said this ordinance has a couple of typos. Ms. Brugger said D2 says Planning Commission responsibilities is that supposed to be City’s responsibility. City Recorder Steed said yes it should say City responsibilities. Ms. Brugger said also on 3 there needs to be a T.

**ORDINANCE 2024-08 AMENDING ORDINANCE 10.54.080 SINGLE PARCEL SPLIT**

Chair Woolsey explained Ordinance 2024-08. Chair Woolsey asked if there were any questions or concerns from the public.

**JULIE BRUGGER**

Ms. Brugger said on B1 the Planning Commission is crossed out should City be put in there. Chair Woolsey said it is not being presented to the City it will come into the office and not go through the Commission or Council anymore. Ms. Brugger said that is what she said, the Commission is crossed out and it needs to be the City. Chair Woolsey said it is not being presented to the Commission or the Council it just needs to be applied for. Ms. Brugger said to who. Chair Woolsey said it is an application. Ms. Brugger said the owner should present a map, where do they present a map. Chair Woolsey said to the City Office. Ms. Brugger said then it should be in the ordinance. Ms. Brugger said it should tell them where to present the map. Commissioner Taylor said on number two it says until this action is taken and a copy is received by the City. Ms. Brugger said that is after the plot approval. Ms. Brugger said she is just saying it should be clear where they need to present it since the Planning Commission is crossed out. Commissioner Olsen said we just need to add the City Office in place of the Planning Commission. Ms. Brugger said under C1 it says upon materials described above and it should say upon receiving the materials described above.

**ERICA WALZ**

Ms. Walz said she supports Julie’s suggestions.

**JEFF BEVERS**

Mr. Bevers said he is looking at a potential property split with Mr. Hutchison and everything seems fairly straightforward but he also believes Julie’s comments would be helpful.

**CLOSE PUBLIC HEARING**

**Commissioner Shakespear moved to close the Public Hearing at 6:26 p.m. Commissioner Taylor seconded the motion. Motion carried with Commissioners Meisenbach, Taylor, Olsen and Shakespear voting aye.**

**DECISION ON GENERAL PLAN MODIFICATIONS**

Chair Woolsey asked if there were any questions or need for discussion on the General Plan modifications. **Commissioner Taylor moved to recommend the General Plan modifications to the City Council for approval. Commissioner Shakespear seconded the motion. Motion carried with Commissioners Olsen, Taylor, Shakespear and Meisenbach voting aye.**

Chair Woolsey thanked Kevin Smedley for all his help on the General Plan modifications.

**DECISION ON ORDINANCE 2024-06 AMENDING ORDINANCE 10.34.040 PROCEDURE FOR REZOING**

Commissioner Meisenbach said he feels the Commission should address the directly affected definition. Chair Woolsey asked if the County Planner Kaden Figgins had a definition of directly affected. City Recorder Steed said Mr. Figgins said directly affected means the property being changed not the adjacent properties. City Recorder Steed said if it is a property owner coming in for a zone change, they do not have to mail letters but if the City is changing the zone they have to mail letters to the property owners. Commissioner Shakespear asked but only to the property owners that are being changed. City Recorder Steed said yes, that is what Mr. Figgins said. Chair Woolsey said can we add the definition and recommend it to the Council. City Recorders Steed said yes and it states we only need to mail to the affected entity. Chair Woolsey said we can approve but add the definition at the same time. Chair Woolsey said the reason we are eliminating mailing notices is because we are not required to mail to adjacent properties.

**Commissioner Shakespear moved to recommend Ordinance 2024-06 to the City Council for approval with adding the definition of directly affected. Commissioner Taylor seconded the motion. Motion carried with Commissioners Shakespear, Meisenbach, Taylor and Olsen voting aye.**

**DECISION ON ORDINANCE 2024-07 AMENDING ORDINANCE 10.54.270 LOT LINE ADJUSTMENTS**

Chair Woolsey said we need to add City to number 2 and a T to 2a (3). **Commissioner Olsen moved to recommend Ordinance 2024-07 to the City Council for approval with the above changes. Commissioner Taylor seconded the motion. Motion carried with Commissioners Meisenbach, Taylor, Shakespear and Olsen voting aye.**

**DECISION ON ORDINANCE 2024-08 AMENDING ORDINANCE 10.54.080 SINGLE PARCEL SPLIT**

Chair Woolsey said we can add City Office to B1 and receiving to C1. **Commissioner Meisenbach moved** **to recommend Ordinance 2024-08 to the City Council for approval with the above corrections. Commissioner Olsen seconded the motion. Motion carried with Commissioners Meisenbach, Olsen, Taylor and Shakespear voting aye.**

**SCHEDULED ITEMS**

**MARCIE HOFFMAN – LOT LINE ADJUSTMENT – 600 SOUTH 800 WEST – RR-1-10**

Ms. Hoffman said she has a question on this because she is not sure if she is reading the ordinance right but it looks like there might be a conflict on the lot line adjustment because she wants to build a home on one of the parcels. Ms. Hoffman said the Ordinance reads no new dwelling lot or housing unit results from the lot line adjustment. City Recorder Steed explained there will still only be two lots and after the lot line adjustment is recorded Ms. Hoffman can put in an application for a new home. Commissioner Shakespeare said a new home is not resulting from the lot line adjustment. This project was reviewed by the Commission and meets all the requirements. **Commissioner Taylor moved to recommend the Municipal Project Approval Form for Ms. Hoffman in accordance with chapter 10.42.050 and 10.54.270 of the Planning and Zoning Ordinances to the City Council for approval. Commissioner Shakespear seconded the motion. Motion carried with Commissioners Taylor, Olsen, Meisenbach and Shakespear voting aye.**

**Commissioner Taylor moved to adjourn the meeting at 6:42 p.m.**

**Commissioner Olsen seconded the motion. Motion carried all in favor.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Stephanie Steed, MMC

City Recorder

Date minutes approved: 04/09/2024