

**MINUTES OF THE
PUBLIC HEARING OF THE
PLANNING COMMISSION OF
GARDEN CITY, UTAH**

The Garden City Planning Commission held a Public Hearing on Thursday, August 27, 2009 at the Garden City Lakeview Center located at 69 N. Paradise Parkway. Commission Chair Jennifer Huefner opened the meeting at 6:30 p.m.

Commission Members Present:

Jennifer Huefner, Chair
Pat Argyle
Greg Bills
Lance Bourne
Scott Gough

Others Present:

Sharlene Millard	Bryan Burr
Brian Hirschi	Dan Turner
Don Webb	Dareth Perschon
Norm Mecham	Julie Ottesen
Alisa Nickel	

RIDGE AT SHUNDAHAI, Bryan Burr

Brian Hirschi said he has looked at the revised plan and has talked with Mr. Burr. He's always had a parking problem at his business and was hoping to buy some of this property. He would like to work together with them and acquire some parking.

Mr. Hirschi said the water drainage is an issue in that area. There's a lot of water that comes down the hillside from the canal. There was a drainage pipe put in on the rear of the property, but water still comes to his parking lot. He's talked with the Hodges Canal Co. who said they won't do anything about it, but he's concerned with the recent deaths in Logan from their canal.

The drainage is worse in the summer when there's water in the canal.

Anita Weston said it leaks all the way around to John Hansen's home. Norm Mecham said he thinks it's fixed now. The canal has been lined with a liner which should be good for 20-30 years. Ms. Weston said there must be holes in it because the hillside is wet and it couldn't come from anywhere else. She thinks they should put in a culvert.

Mr. Mecham told Mr. Hirschi to contact the canal company to get on their agenda about what can be done with the canal. Mr. Mecham thinks the canal should be engineered.

Mr. Burr and Mr. Hirschi discussed the project and answered questions.

SHUNDAHAI MASTER PLAN, Norm Mecham

Mr. Mecham said he's okay with Mr. Burr putting his subdivision within his Shundahai subdivision. They are allowed to use the roads and their amenities, but it will be considered a separate subdivision.

PICKLEVILLE COMMONS, Don Webb

There were no comments from the audience.

ADJOURNMENT

Commission Chair Huefner adjourned the meeting at 6:45 p.m.

APPROVED:

ATTEST:

Jennifer Huefner, Chair

Assistant Clerk

**THE MINUTES OF THE
REGULAR MEETING OF THE
PLANNING COMMISSION OF
GARDEN CITY, UTAH**

The Garden City Planning Commission held their regularly scheduled meeting on Thursday, August 27, 2009 at the Garden City Lakeview Center located at 69 N. Paradise Parkway. Planning Commission Chair Jennifer Huefner opened the meeting at 7:00 p.m.

Commission Members Present:

Jennifer Huefner, Chair
Pat Argyle
Greg Bills
Lance Bourne
Scott Gough

Others Present:

Sharlene Millard	Bryan Burr
Brian Hirschi	Dan Turner
Don Webb	Dareth Perschon
Norm Mecham	Julie Ottesen
Alisa Nickel	Anita Weston

Planning Commission Chair Jennifer Huefner explained that we are now in our regular meeting where the commission members have their meeting. A Public Hearing is a time for the audience to ask questions about the project being introduced. She knows some of the people here tonight didn't understand that so she will give them time to ask a few questions if they would like.

MINUTES

The approval of the minutes was postponed until the end of the meeting.

CONFLICT OF INTEREST

There was no conflict of interest stated.

AMENDMENT TO FINAL OF PICKLEVILLE COMMONS DISCUSSION, Don Webb

Mr. Webb said this is just for discussion at this point. He was originally approved for 21 units, 30 bedrooms, and most of them were duplexes, but it didn't work and they were

too small. He would like to change the plans to be 13 – one bedroom units with a loft. He showed a drawing of what they would look like. He has a parking area for those with boats.

Mr. Webb said this plan works better financially and goes back to what was earlier discussed. There will be 3 parking stalls per house, with 10 double parking spaces. He said he likes this plan better and is more what was originally planned. This type of housing would be good for retired people. The units will be worth about \$165,000. It will also cost less for him to put in the water and infrastructure.

Commission Chair Huefner said she likes these plans better and thinks they will work well. She said he's been through the ringer and knows pretty much what he'll need.

Mr. Webb said the units will be 1200 sq. ft. with 850 sq. ft. downstairs and 350 upstairs. There will be no carports. He should be able to push the snow to the west.

AMENDMENT TO SHUNDAHAI MASTER PLAN, Norm Mecham

Mr. Mecham said it doesn't make sense for Mr. Burr's project to be a stand-alone property. Their entrance by the highway would be too hard to use. He will let them use the roads and the entrance by 300 West that goes through their Shundahai subdivision and ties the roads to their system. It makes more sense. He would like to include this property into their master plan. It's a separate ownership but they will have access to their amenities and roads.

No commission members had a problem with adding the Ridge at Shundhai to Shundahai's master plan. The motion will be at the end of the next item.

RIDGE AT SHUNDAHAI, Bryan Burr

Mr. Burr showed where the 2 commercial lots will be. The lots behind that, Mr. Burr would like to be zoned Recreational Residential.

The Planning Commission didn't think there should be a problem with having the commercial lots where they are planned. They're already in the commercial zone and it will allow homes within that zone.

Mr. Burr said he doesn't want to go past the preliminary stage for the whole parcel until the economy can handle it. He would like the approval of the commercial area so Brian Hirschi can use a portion of it for parking.

Commission Member Gough wondered if there is enough open space. Mr. Burr said it will be part of Shundahai so their open space will be the golf course.

Commission Member Argyle wondered if he's had an engineer look at the property below the canal. Mr. Burr said no.

Commission Member Gough said he's covered the cul de sac's well, but wondered about the garbage and parking. He'll need to talk with Rich County about placement of dumpsters.

Commission Member Ballingham said he'll need to present a final plat for the commercial lots or he'll need to do a one-time lot split for the commercial lots. Mr. Burr thought it would be best to phase the subdivision.

A member of the audience said she's concerned about the water situation. She received a letter stating there's no more water. How will he get water? Commission Chair Huefner said developer's need to buy or bring in water shares. That way, the town's water system won't be overloaded.

Mr. Burr said they would be using the water tank of Shundahai's.

Mr. Hirschi said he likes them not having an access to the road from the steep area.

Commission Member Ballingham made the motion that we accept the application or the proposed amendment to the Shundahai master plan to include the 23 acres at approximately 1200 S. Bear Lake Blvd., which is currently owned by Bryan Burr. Commission Member Bills seconded the motion. All in favor and the motion carried.

Commission Member Ballingham made the motion that we accept the preliminary subdivision application presented by Bryan Burr for the Ridge at Shundahai. Commission Member Bills seconded the motion. All in favor and the motion carried.

MISCELLANEOUS

There was discussion about the Lighthouse at the Villages. It's being used for tours and it hasn't been approved to do so. Mr. Fisher has said no one would be going through it. There's also a problem with the Homeowner Builders Association because they require a certificate of occupancy for homes being in the Parade of Homes and it's mandatory. Mr. Fisher can't get a final inspection on his home because of a temporary power inspection problem but he's in the Parade of Homes. So, again, he's doing this to Garden City.

Commission Member Bills wants to recommend to the Town Council that they provide some source of police action for the above and also for the short-term rentals, which are being sorely abused. There are many places that are not obtaining the city licenses and are still renting and still charging sales tax which they put in their own pocket. He said right now, there are no funds available to hire an enforcer and no one to enforce these ordinances.

It was stated that Tami Bowen takes care of the short-term rentals and she needs to know who those people are.

Commission Member Bills said one of the agreements of the short-term rentals is that someone near the town be a contact person to control violations within their rentals. He knows of a group renting a place that left their keys inside the unit. They called the person of record and he was three hours away and couldn't help them. So the renter kicked in the door to get inside. There's damage and it's getting ugly. The owner said he doesn't need a short-term rental license. Mr. Bills is frustrated that the planning commission and the town council are putting in the time and effort to create ordinances, but things like this are falling through the cracks.

Commission Member Argyle said that at the Meet the Candidates Night, one of the candidates said if we're not going to enforce our ordinances, take them off the books. She feels if we take the ordinances out, we're in trouble. It shouldn't be an option. They don't know what it's like to have to keep going over the ordinances.

Commission Member Bills said he's also frustrated with the building inspector. He knows of a home that had over 100 people in it for a week. He asked the building inspector how many people can that place hold? The building inspector said he's never been up there. Mr. Bills wondered if there could be an incentive to regain some of the costs by using a penalty and given to him when he finds a violation.

Commission Member Bills is also frustrated with people such as Tim Collings who comes into town knowing about the rental policy and blatantly disregards it. He's lying to us and without teeth in the ordinance, there's no way to shut him down. When we started the rental policy, there was supposed to be a three-time warning and then there was a \$2,500 fine which would come from the owner. It also said if you plead ignorance, you shouldn't get your license for two years. Three strikes and your out type of thing.

Mr. Collings is also charging sales tax and putting it in his pocket. That's fraud. That should be reported to Rich County and also to the state. We're doing our very best to do a good thing and these people, who aren't residents, don't care about Garden City. He feels we need to put our foot down and get tough.

Commission Member Argyle wondered about letting someone collect fines as their reward.

Commission Member Ballingham said we should be able to put a lien of \$5,000 on their property.

Commission Member Bourne said Mr. Fisher has been red-tagged once and it was lifted, he's still in OSHA violation and a national electric violation. Mr. Bourne said can't just disconnect the power. It has to come from the town because he's a paying customer.

Commission Member Bills said this area has a huge drug problem and people put their heads in the ground and pretend it doesn't exist. Commission Member Ballingham strongly agreed and said a lot of it comes from the rentals.

Commission Member Bills wondered about hiring Dennis Salzetti as a part-time cop.

Commission Chair Huefner said we need to talk with the candidates for Mayor. The Mayor is the one with the authority to enforce ordinances. He and the Town Council have the authority to write the ordinance to enforce the ordinances.

Commission Member Argyle said we also have a problem with the 4-wheelers. She was going 40 mph alongside the bikepath and the 4-wheelers were passing her and they had children without helmets on them. They didn't even hit the brakes when they swerved around people.

It's not the people in town that violate the rules, it's mostly the visitors and they don't care.

MINUTES

Special Meeting of July 2, 2009

Commission Member Ballingham made the motion to approve the minutes as presently presented secondary to the dates which Shar will place and they are correct in the records and accept them as currently constituted. Commission Member Bills seconded the motion. All in favor and the motion carried.

ADJOURNMENT

Commission Member Ballingham made the motion to adjourn the meeting at 9:30 p.m. Commission Member Bills seconded the motion and the meeting adjourned.

APPROVED:

ATTEST:

Jennifer Huefner, Chair

Assistant Clerk