

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

The Garden City Planning Commission held their regularly scheduled meeting on Thursday, January 28, 2010 at the Garden City Lakeview Center located at 69 N. Paradise Parkway, Building C. Commission Chair Jennifer Huefner opened the meeting at 5:30 p.m.

Commission Members Present:

Jennifer Huefner, Chair
Greg Bills
Lance Bourne
Frank Smith
Scott Gough
Pat Argyle
DJ Ballingham

Others Present:

Sharlene Millard
Victor Nelson
Thorana Nelson
Larry Jacobsen
Anita Weston
Brian House
Don Webb
John Spuhler

Mayor Spuhler said he appreciates those serving on the Planning Commission. He said it's been interesting being Mayor. He believes the role of government is for everyone to have an equal opportunity to become unequal. The role of government doesn't need to be in the way, but needs to make sure that equal opportunity is there. Everyone should be able to have a fair shot. He wants to make sure the ordinances are enforced. If they're not good ordinances, we need to change them as it relates to our community. He said we are getting a new Building Inspector and one that will enforce the ordinances. He wants to make sure things aren't missed from here on out.

OATH OF OFFICE

The Oath of Office was administered to returning Planning Commission Members, Lance Bourne and DJ Ballingham.

CONFLICT OF INTEREST

No conflicts were stated.

YURT DISCUSSION

Planning Commission Chair Huefner invited those who were here to discuss yurts to come to the table. Victor Nelson said their building of a yurt has caused quite a stir. They are here to educate the Planning Commission about yurts and make all of this work. He passed out maps showing the area. He said they are above Elk's Ridge on Dennis Bullock's unofficial development. They wanted to do something gentle on the land so they put a yurt on their property. They have engineered platforms and the yurt itself is also highly engineered. They wanted a structure that would be affordable and easy to put up and still be there if they do construct a permanent structure. Yurts are good for recreational use and surpasses all the wind and snow load requirements for the Bear Lake area.

Yurts are considered temporary structures because they're not hard-sided and can be moved. Commission Member Bills said they were under the understanding that it was more of a glorified tent.

Mayor Spuhler said he thinks "temporary" and a "tent" are very different because you're putting in footers and nails and there's a pier foundation. Commission Member Frank Smith said it was discussed at Planning Meeting and we didn't feel a yurt would need a building permit. Commission Member Bills said when it was presented, he didn't consider it a building, but when you start pouring concrete, it's a whole new ballgame. Commission Member Gough said his only issue is that the concrete is part of the deck, not the yurt. The yurt is put on the deck.

Council Member Brian House said we need to remember that nothing has even been approved up there. There's no subdivision or anything up there.

Commission Chair Huefner said when they came in, it was just for discussion, there were no approvals given. Commission Member Ballingham said we are an advisory board. We don't have the ability to grant permission. That would come from the Town Council.

Mayor Spuhler said in our ordinances, anything over 120 sq. ft. requires a building permit.

Commission Member Ballingham said if they're coming in as temporary, we need to treat it under the guidelines of any temporary building.

Larry Jacobsen said they beg forgiveness. They never meant to circumvent Garden City's ordinances. He said they're not here to victimize the past. He wondered what he can do to make this work from here on out? He feels the Commission could say that 1) – it fits the land use ordinance in the recreational residential zone. We have the option to classify this as a single family residence in that zone. A yurt isn't listed. So, 2) –if you don't see it as single family in the land use charge, down at the bottom it says it could be approved by the Town Council as a compatible use, or a Conditional Use and then you could change the ordinance.

Planning Commission Chair Huefner made the recommendation that the Town Council should make this decision. Commission Member Bills said if they are willing to follow the building permit procedure, they have to submit the drawings and engineered plans. Commission Member Argyle asked about changing the ordinance to allow yurts. She's concerned where we'll allow them. She doesn't want them in the middle of town. Commission Member Ballingham said if a structure comes in town, they have to follow the water and sewer rules where there is water and sewer, and they still have to meet building code, so that will preclude them from building one in town. Now if they want to put up a tent next door, they can do that. There are things already in place that prevent them from popping up in the middle of town. Planning Commission Chair Huefner said this should be a Conditional Use Permit so the concerns can be addressed. They may still need to come before the Planning Commission but she will refer it to the Town Council for now.

Commission Member Bills said if the Planning Commission has the authority to approve the Conditional Use Permit, this is where it should go. Council Member Brian House suggested they could determine that this structure could be up for maybe 18 months until they build a house and then if they need to extend it, they could for an additional time.

Council Member Brian House asked if the composting system has been approved by the Bear River Health Dept. Mr. Nelson said no.

Mayor Spuhler said yurts are a whole new animal to us. So we need to look at them a little differently. He feels it should require some type of building inspection.

Commission Chair Huefner said one of her main concerns was sewage, but if this is approved by the health dept. she's okay with it. She was also concerned with making sure the building inspector is involved. She doesn't want to address our ordinances tonight, just what we can do to help these guys get on their way.

Mayor Spuhler said we just want to make sure this is done right and they should have to go through a process. He feels having yurts could be good for the town by showing that people can go green. We just need to properly address this.

Commission Member Ballingham said we as a town need to be very cautious about rentals and yurts. We've put in a rental ordinance for a reason, and that's to make sure it's safe for other people. The way the economy is, people aren't going to want to spend very much and they may want to rent these.

Commission Member Argyle asked about culinary water to be able to put out fires. Commission Member Bourne said we don't have the facilities for the EMT's or a fire truck to get up to the area where their yurts are. He's not as worried about it until they want to rent it out to groups. Mayor Spuhler said there's also a gate up there. He's concerned about it being locked all the time. Nightly rentals up there would not be a good thing. Commission Member Gough said he gave a gate key to the fire dept. and a sheriff. Commission Chair Huefner said if they want to rent it, they would need a license. It can be regulated that way

Commission Member Bills said he is opposed to having this go to the Town Council.

Commission Member Ballingham feels we need to amend the ordinance to make yurts fit.

Commission Member Ballingham made the motion that we refer these gentlemen on to the City Council for further discussion regarding their yurts with the understanding that there will be additional discussion required as to where the yurts will be able to be established within the city limits. It's also notable that we as a Planning Commission do not have a problem specifically with where they currently are placing or currently have placed their yurts; however, we do encourage them to go through the proper process which will be delineated by the City Council. Commission Member Smith seconded the motion. Roll Call Vote: Commission Member Ballingham for, Commission Member Smith for, Commission Member Gough for, Commission Member Bourne for, Commission Member Argyle for, Commission Member Bills against. The motion carried.

Mayor Spuhler mentioned that they are on top of the town's water supply. We need to be careful what goes up there and how many.

APPROVAL OF MINUTES

Commission Member Gough made the motion to accept the minutes of November 24, 2009 and December 17, 2009 as written. Commission Member Bourne seconded the motion. All in favor and the motion carried.

PRELIMINARY APPROVAL FOR PICKLEVILLE COMMONS, Don Webb

Don Webb showed the map of the newly designed Pickleville Commons with 13 units. He said some people would like 2 bedrooms and they have 40 parking stalls, so he wondered how many bedrooms he would be allowed to have. The Commission said he could have 20 bedrooms. There is a loft on top of each building.

Mr. Webb doesn't think all of the units will be rentals, but wants to make sure there's enough parking in case.

Commission Member Ballingham made the motion to recommend this to the Town Council for approval of these plans with the understanding that we as a Planning Commission don't have any issues with this at this point in time. Commission Member Bills seconded the motion. All in favor and the motion carried.

Commission Member Bourne reminded Mr. Webb that for his final, he'll need to show which buildings will have the two bedrooms and which will have one.

The Planning Commission recommended doing this project in phases. Commission Member Ballingham also warned Mr. Webb that if he does do it in phases, the ordinance may change and then he'll need to follow the current ordinance at that time.

VOTE FOR CHAIRMAN, VICE CHAIRMAN

Commission Member Argyle made the motion to put in Greg Bills as Chairman of the Planning Commission. Commission Member Gough seconded the motion. All in favor and the motion carried.

Commission Member Bills made the motion to have Frank Smith return as Vice Chairman. Commission Member Gough seconded the motion. All in favor and the motion carried.

MISCELLANEOUS

There was discussion about how the Planning Commission feels they're not appreciated by the Town Council, and the frustration that the town gives short term rental licenses to people within HOA's and the HOA's can't seem to keep control of the rentals within their subdivisions.

ORDINANCES

Commission Member Smith made the motion to approve Ordinance #09-12, an Ordinance to update the amount of required forms needed for a Subdivision application. Commission Member Gough seconded the motion. All in favor and the motion carried.

Commission Member Gough made the motion to approve Ordinance #09-13, an Ordinance to update and delete the changes in the development plan for a PUD. Commission Member Argyle seconded the motion. All in favor and the motion carried.

ADJOURNMENT

Commission Member Argyle made the motion to close the meeting at 7:40 p.m. Commission Member Bills seconded the motion. All in favor and the motion carried.

APPROVED:

ATTEST:

Greg Bills, Chair

Assistant Clerk