

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

The Garden City Planning Commission held a Public Hearing on Wednesday, April 7, 2010 at the Garden City Lakeview Center located at 69 N. Paradise Parkway, Building C. Commission Chair Greg Bills opened the Public Hearing at 4:50 p.m.

Commission Members Present:

Greg Bills, Chair  
Lance Bourne  
Pat Argyle

Others Present:

Sharlene Millard	Nate Parry
John Alter	Gabe Lleras
George Peart	John Spuhler, Mayor
Ellouise Sims	

**CHICKEN ORDINANCE DISCUSSION**

Mayor Spuhler read a comment from Jennifer Huefner regarding her desire to have chickens to help out with emergency preparedness. He said he was also in violation and didn't realize it at the time. He's heard Salt Lake County has also recently relaxed their ordinance about chickens. He thinks we should consider an ordinance that says people can have an amount of them that are "reasonable and prudent" and they should be penned up.

If it's not reasonable, they could come before the Town Council. It would be good for food storage. Other towns are changing their ordinances to help the town members become more self-sufficient.

Commission Chair Bills said that others towns are relaxing their ordinances for the same reason, but it's based on acreage. That's how they allow the buffer zone. He said even though towns are relaxing their ordinances, they're not cutting down the acreage that the chickens are on. He feels we could look at the ordinances pertaining to the acreage they're on.

Commission Member Argyle said she's raised about all the different types of animals she can. She said we should definitely not allow roosters. They crow about 6 times a minute and are so obnoxious. You don't need roosters for the chickens to lay eggs.

Mayor Spuhler thinks it's important for the town to consider having chickens to help us be more self-sufficient.

Commission Members Bourne and Argyle wouldn't mind the ordinance changing to allow more chickens as long as they're well managed, but Commission Member Argyle said if she was in a subdivision and her neighbor had chickens, she wouldn't want them to also start bringing in sheep, (even if they're penned), she doesn't agree with that.

Mayor Spuhler said Garden City couldn't enforce this ordinance anyway. Commission Member Bills said Garden City can't enforce any of their ordinances. Mayor Spuhler said that's why he wants to get things in place now, so when we do have a municipal court, we can address them.

Mayor Spuhler feels when his child has to go out and clean the chicken pen and take care of them, there's a type of value that he's learning that's very important.

Commission Chair Bills said he knows of people that have more than one dog and they're never in their own yard.

Commission Member Argyle said what is "reasonable and prudent" to one person means something else to someone else. She has raised them and wouldn't mind others doing it, but feels we will have some nightmare cases. There are some that will take care of them, and others that won't.

Commission Chair Bills would like to have another Public Hearing to address this. Mayor Spuhler said this is the Public Hearing. If people aren't here it's because they don't care.

The Commission stated that if there are no roosters allowed and the chickens have to be in a pen, they would be alright with it.

Commission Chair Bills said if we're going to start another ordinance, he feels it should be based on acreage, and he's concerned with those within a subdivision. He said here we go again upsetting the homeowner's associations.

CONDITIONAL USE, DellLoy Hansen

A member of the audience, Ellouise Sims said she wants them to be careful with the water and sewer lines. She wants to keep her present pressure.

She would really like to not have people all the way around her.

ADJOURNMENT

Commission Member Bourne made the motion to close the Public Hearing at 5:12 p.m.  
Commission Member Argyle seconded the motion. The meeting closed.

APPROVED:

Attest:

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Greg Bills, Chair

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Assistant Clerk

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

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, April 7, 2010 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Bills opened the meeting at 5:15 p.m.

Commission Members Present:

Greg Bills, Chair  
Lance Bourne  
Pat Argyle  
Frank Smith, via phone

Others Present:

Sharlene Millard	Nate Parry
John Alter	Gabe Lleras
George Peart	John Spuhler, Mayor
Ellouise Sims	

MINUTES

The minutes of March 3, 2010 were presented. Commission Member Argyle made the motion to approve the minutes of the Planning & Zoning meeting of March 3, 2010. Commission Member Bourne seconded the motion. All in favor and the motion carried.

CONFLICT OF INTEREST

No conflicts were stated.

CHICKEN ORDINANCE

Commission Member Bourne suggested we table this until next month because we need to involve ducks and dogs, etc.

Commission Chair Bills postponed this until next month because there are not enough quorum members to approve this tonight.

## CONDITIONAL USE PERMIT, Dell Loy Hansen

Nate Parry said the height has been corrected on these new homes. From virgin grade they're at 24' 10". He apologized for messing up earlier. They just want to move forward. The Building Inspector has not looked at these plans yet.

This has been master planned for 15 homes. It will probably take 10 years to build them. They will change as the ordinance changes. The property will stay as one parcel. The lot will not be split in the future.

Mr. Lleras said there is two roads; one main road that is 16-18' wide and one road that will be graded to whatever it needs to be. They'll put in hydrants as needed. Mr. Parry wanted to make sure with the Building Inspector that they're on the same page about virgin grade.

Commission Member Bills said you can tell the midpoint, and that's the average.

Mr. Parry wondered if we have a lot that is 40' below the highway, why do we still have to only have the height at 25' on beach front? He would like us to think about it and maybe change it. He said most of the homes on beach front are at least 30' below the road. There are starting to be million dollar homes there and they have to dig down to put a home so that their height can be met.

Commission Member Argyle said people complain that they can't see the lake.

Commission Member Bourne said Mr. Parry should gps the midpoint level. He recommended that we get a gps for the Building Inspector.

Mr. Peart, the Building Inspector, said the surveyor's could actually set that point. That could be a requirement of the survey to have that mark on it.

Mr. Parry said there are people out there right now that are filling in their lots so their homes can be taller.

Mr. Peart said the county requires everything on the beach development to have a Conditional Use Permit. He thinks we should think about doing that.

Commission Member Smith (by phone) said he'll support the request from Mr. Parry.

Commission Member Bourne made the motion to approve the Conditional Use Permit for the beach development of Dell Loy Hansen's. Commission Member Argyle seconded the motion. All in favor and the motion carried.

## MISCELLANEOUS

### HOA's Approval

Mr. Peart encouraged the Planning Commission to look at all Beach Development property needing a Conditional Use Permit. Commission Member Bills said he's in favor of it. Mr. Peart said the county doesn't have trouble with it because the neighbors appreciate it and it keeps him out of hot water.

He also talked about subdivisions. He said when an application comes to the county from within a subdivision, they require an approval letter from the homeowner's association. He would like us to let him do it also. There was discussion about the town approving building permits without homeowner's association approval.

Mr. Peart had questions about which subdivisions are approved.

### Yerts

Mr. Peart showed a letter that he sent to Victor Nelson and Larry Jacobsen about the Yerts. He needs a survey and wants to see the corner markers. He said their snow load is 37 lbs. and where they are on the hill, it should be 60 lbs., and they need an address from the county. There is also no access to the property. If the property is large, the county allows people to build, and the county isn't really concerned about their access, but has them sign an agreement that they understand that they won't be providing any service. He wondered about what Garden City does and if we give them a building permit, how are we going to get him water? He's treating this as a house.

Commission Member Argyle said that's probably an ordinance that we need to address right away. We couldn't provide service up there.

Commission Member Bourne said they crossed the line as soon as they pulled the red tag off and continued building.

Commission Member Bourne thinks we should make it a Conditional Use Permit and state we're not liable to provide water, sewer, fire, or ambulance. Mr. Peart said you can't make him have a Conditional Use Permit if you don't make others in that same zone do it.

### Condo Split

Commission Chair Bills said he met with Jim McLaughlin and Justin Hamilton. They had really confused the issue with what they were wanting to do. They wanted to sell the restaurant building to Justin Hamilton of Café Sabor. But in looking at the site, there are not enough setbacks. He couldn't see any way at all that it could be done legally and also split the parking. But when it was suggested they form an LLC and become partners, they both felt that was a good idea. But now the bank is not willing to loan money on an LLC property.

They wondered if they re-started the project with legalities of a condominium type of set-up, could they sell off the interest in the building? Commission Chair Bills said with a condo, you own the inside walls. But it does look like it could fall into a condo situation, other than it being a commercial property. He would like to offer what assistance he can, but doesn't know how it can happen. He did talk with Marilyn about it. She agreed that it would be tough where it's a deeded property, but can't do it without a lot split.

Commission Member Bourne said we need to follow the ordinances and that didn't work. We've done what we can. Commission Member Argyle said she doesn't know what else we can do with following our ordinances and making it legal. Commission Member Bourne and Commission Member Argyle agreed that Mr. McLaughlin and Mr. Hamilton will need to present us with a new idea.

#### ADJOURNMENT

Commission Member Bourne made the motion to adjourn the meeting. Commission Member Argyle seconded the motion. All in favor and the meeting adjourned at 6:40 p.m.

APPROVED:

Attest:

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Greg Bills, Chair

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Assistant Clerk