

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

The Garden City Planning Commission held a Public Hearing on Wednesday, December 7, 2011 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the Public Hearing at 4:53 p.m.

Commission Members Present:

Dallas Solum
Darin Pugmire
Mike Schiess
Lance Bourne, Chair

Others Present:

Sharlene Millard
Dan & Tamara Fisher
Anita Weston
Mark Hislop
Brian House

CONDITIONAL USE PERMIT, Dan Fisher

Mr. Dan Fisher said he would like to install a bulk propane storage. He would be the local propane provider for Garden City. He said he got a copy of the letter from the attorney. He said everything that the attorney said has to be done before he can start a business. The state fire marshal and the local fire chief have already been contacted and have a picture of the tank. He said the state fire marshal is the governing agency. The commercial building inspector is Steve Hamblin and he's getting engineered plans of the pedestals to him. They have to be put in by a Utah State Contractor. Everything is going in the right channels. He has to get the Conditional Use Permit before he can get things rolling.

Mr. Fisher suggested that the Planning Commission approve this contingent on all of the stipulations being met. The fire marshal won't sign it off until everything is done anyway. Commission Chair Bourne said he's talked with Dan Kurek and they're doing everything that is being required.

Mr. Fisher said they will eventually have an office, but not at first. Council Member House asked if he has the delivery set-up ready. Mr. Fisher said yes, he has the truck and it can stay on-site or offsite. Commission Chair Bourne said it's in a commercial area.

ADJOURNMENT

Commission Chair Bourne closed the Public Hearing at 5:00 p.m.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk

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

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, December 7, 2011 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the Public Hearing at 5:00 p.m.

Commission Members Present:

Dallas Solum
Darin Pugmire
Mike Schiess
Lance Bourne, Chair
Chuck Stocking
Nate Gracey

Others Present:

Sharlene Millard
Dan & Tamara Fisher
Anita Weston
Mark Hislop
Kathy Hislop
Brian House
Ken Hansen
Dennis Bullock

MINUTES

Public Hearing

Commission Member Solum made the motion to approve the Public Hearing minutes of the meeting held on November 2, 2011. Commission Member Schiess seconded the motion. All in favor and the motion carried.

Regular Meeting

There was a discussion about the minutes. Commission Member Schiess made the motion to approve the minutes of November 2, 2011 as they are at this point. Commission Member Pugmire seconded the motion. All in favor and the motion carried.

HILLSIDE ESTATES ZONE

Commission Chair Bourne said he's thinking of having a single family dwelling at ¾ acre and the roads at 8% grade maximum.

Commission Chair Bourne said we will allow cluster developments, so we need to re-write the cluster development definition. He would like to put in the zone that an egress and ingress is required throughout the whole development, so no one will be landlocked, 70/30 footprint for multiple housing with no more than 8% grade maximum for safety. If we're going to allow cluster dwellings, i.e. cottage type, duplexes, etc. we shouldn't have anything above 8% grade. We need to make the roads safer. Commission Member Schiess said we need to look at the future. The county won't even take their sanitation vehicles up the hill if the grade is over 8% . Commission Chair Bourne explained that ¾ acre is for someone who is subdividing. When people come to Bear Lake, they bring their toys. They need somewhere to put everything.

Dennis Bullock, a member of the audience asked about the grade. He said all of the west mountain has been surveyed to 10% because that's what the ordinance used to require. Commission Chair Bourne said he'll have to do switchbacks. His engineer will need to spend a little time and be creative. Our job is to protect the safety of the public. This is for cluster developments. Mr. Bullock asked if he does 1 acre and above, then they can stay at the 12%? Commission Chair Bourne said yes, for now. But he doesn't think that 12% is a smart number for Garden City's grade. Do we really want to allow those roads on the mountainsides? Mr. Bullock said everything is surveyed at 10%.

Commission Chair Bourne said he would like to see that CC&R's be submitted before final approval, and as a courtesy, he would like it spelled out if they're bringing in Short Term Rentals, Timeshare Ownerships or Fractional Ownerships, etc. We need to know what they're going to allow.

Commission Member Solum made the motion to approve the ordinance #11-11 with stipulations we discussed: Minimum ¾ acre for single family dwellings and not to exceed 8% grade for cluster housing and under conditional use permits, we'll add an F – Cluster development, egress and ingress is maintained throughout the entire subdivision, CC&R's must be submitted before final approval. Commission Member Schiess seconded the motion. All in favor and the motion carried. (See Amended Motion)

Mayor Spuhler said the attorney has already advised us not to have the CC&R's submitted to us. He suggested leaving that one piece off. We have to issue a nightly rental if they've asked, but we have to say that they need to check with their CC&R's. Commission Chair Bourne said we're just asking them to submit what their intent is so if you buy next door to one, you'll know.

Mayor Spuhler doesn't want to be responsible for the buyer beware entanglement. He would like us to steer away from that. The city doesn't need to know what their intent is. He would like to keep that separate.

Kathy Hislop suggested with every subdivision you have to have CC&R's, so it should be in the subdivision ordinance, and having it again in the zoning requirements is redundant and that's where mistakes happen.

Commission Member Solum amended the previous motion to approve Ordinance #11-11 as discussed with the stipulations of the incorporation of omissions that we talked about with the exception of the CC&R's. (Minimum $\frac{3}{4}$ acre for single family dwellings and not to exceed 8% grade for cluster housing and under conditional use permits, we'll add an F – Cluster development, egress and ingress is maintained throughout the entire subdivision.) Commission Member Schiess seconded the motion. All in favor and the motion carried.

CONDITIONAL USE PERMIT, Propane Tank, Dan Fisher

Mr. Fisher said the recommendations from the attorney, and everything relating to his business has to be done first anyway. It's redundant because it can't be done without those approvals anyway. He needs the approval from the state marshal before he can do anything. He would like them to approve this contingent on the other approvals. It will be used for filling a bobtail truck which will be used for filling residential tanks. The property is in escrow.

Mr. Fisher said they will have a gravel yard with the tank sitting on it, which will be crash protected and fenced in.

Commission Chair Bourne said he has talked with the fire chief, Dan Kurek, and everything is in order.

Commission Member Schiess made the motion that we approve the permit that is being requested here this evening for the 30,000 gallon propane tank in the location that has been shown to each of us and that we discussed with the knowledge that all of the requirements that our attorneys have listed and that we have in front of us are met prior before the business goes forward. Commission Member Stocking seconded the motion. All in favor and the motion carried.

TRAILS

Commission Member Schiess said we need to get a program to maintain the trails on our side of the hill. Something that allows us to make it an inviting situation for visitors. He would also like to have a list of the proper people to contact to push the trails program forward. He would be happy to make the phone calls. That way he can educate himself and be a mouthpiece. It was suggested to talk with Council Member Bess Huefner. She's already put a lot of time into it. He would like to make some aggressive proposals so we can have some trails and some of the areas opened and developed for us.

Council Member House said the door has been opened, but the forest service is very difficult to work with.

Ken Hansen said there's a mechanism already in place - the Shoshone National Trail complex that was put together with the forest service. He said it is in place, there's a map that shows all the dedicated right of ways that are associated with it. Commission Member Schiess said that

you can't get to it from over the hill. There was discussion about trails. Mr. Hansen said we've got to get our senators and representatives on board. The trails should be improved and install culverts, not have them closed. Mayor Spuhler said he'll take care of the political part of this. He has a lot of contacts. He's concerned with AOG money that is going away. Mr. Hansen said the County Commissioners should also be helpful.

Council Member House suggested getting these influential people to come to a meeting in July and take them up to the trails and show them what they're like.

Mr. Hansen suggested starting an RV group. They will take care of it, and they also start policing it. Mayor Spuhler talked about "GIS"ing trails with phone apps.

MISCELLANEOUS

Commission Member Solum questioned the article in the paper about snow removal. Mayor Spuhler said we have an ordinance that we can't park on the road or move snow across the road. We've even sent info in the water bill. Andy Stokes followed the ordinance and he went out there because we've had some issues and the plow couldn't get around them. He's objected to the title of the article, not the content. Mayor Spuhler has since told Mr. Stokes to educate them first. He explained people who take all day to move their vehicles and they're very rude about it. The Public Works Dept., is tired of it and can't keep waiting on them. There were 4 tickets issued. There's a process they need to follow by going to the administrative hearing and talking with the judge. Brian House is very fair.

Commission Member Solum talked about how other cities won't even let people park on the road.

Mayor Spuhler wrote a clarification letter but the article still went in the paper. He said it's also not the first time this has happened with the same individual.

Mayor Spuhler talked about how nice it is to have the administrative court.

ADJOURNMENT

Commission Member Pugmire closed the meeting at 6:10 p.m.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk