

MINUTES OF THE
PLANNING COMMISSION MEETING
OF GARDEN CITY, UTAH

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, January 8, 2014 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the meeting at 5:00 p.m.

Commission Members Present:

Lance Bourne, Chair
Jim Stone
Mike Schiess
Susann House
Pat Argyle
Nate Gracey
Jim Hanzelka, via phone

Others Present:

Sharlene Millard	Norm Mecham
George Peart	Riley Argyle
Anita Weston	Randall Knight
Skip Duffin	

TRAILS AND PARKS

Riley Argyle said he is here to give input on the Parks and Trails discussion. He's happy to help with whatever they may need. Commission Chair Bourne asked him to explain what he's learned about bonding. Mr. Argyle said that Garden City has been doing bonding wrong. We normally bond for the infrastructure. A Performance Bond is for the entire project. If something happens and the developer can't finish, you call the bonding company to pull the bond. The bonding company then hires whoever they need to finish the project, but then they own the project. They can choose to sell it or run it, it's up to them.

George Peart explained that a bonding company is like an insurance company. They're the ones that take the risk insuring the project. Commission Chair Bourne thinks we need to update our bonding ordinance. The attorney had told Mr. Argyle it's a good thing we're not doing letter of credit anymore, it's not worth the paper it's written on.

Commission Member Schiess asked about bonding for each phase vs. the entire project. That will need to be explained by the attorney. Commission Chair Bourne said each phase will have to be self standing. It will need its own access, parking, height, etc.

Commission Member Argyle said we'll be told that a commercial building doesn't need to be bonded, but that's not correct.

MISCELLANEOUS

George Peart said there's a new house coming in Cherimoya.

Commission Member Argyle asked if Mr. Peart was able to go check the ground at the Water's Edge before it was disturbed? He said he hasn't been there. Commission Member Stone said he's been down and there's a spring that runs down and it looked like it had been covered with dirt like they're trying to stop the spring. It looks like they've torn out willows. It looked like they were trying to take the wetlands out.

Commission Member Argyle asked if someone can dig and move the dirt before their building permit? Mr. Peart said he needs to be able to determine the height using virgin undisturbed ground, but they don't need a permit to dig a ditch. She said it's our obligation as a Planning Commission to look at these properties. It is our business if we're on a town board. Some of the people south of the Water's Edge are already getting water that they haven't had before. She feels like it needs to be looked at.

Commission Member Stone said we've asked Mr. Mecham to get us a wetland delineation by someone who is not involved with the project. He's also been asked to do an environmental impact study, which he's putting off. The Army Corp of Engineers is supposed to come in and do a wetland delineation and a historical artifact study. He said he's worked on the Great Salt Lake and knows the types of plants in a wetland. He said if we went down and took pictures now, chances are, if you went down in the spring and look at where the chutes come out, you'll see all the types of wetlands that have been taken out.

Commission Member Schiess said he'd like to know the definition of wetlands. Commission Member Stone said it's anything from grasses to trees to shrubs. You're not supposed to touch wetlands. Commission Chair Bourne said if it's above or below the high water mark, it's still wetlands and under the same jurisdiction.

Commission Chair Bourne said we need to let proper authorities know if we see something going on that shouldn't be. Commission Member Stone said he called the Corp. of Engineers and the sovereign state lands and no permit has even been applied for.

Mr. Argyle said typically you don't start clearing the project until you have all the approvals. Commission Chair Bourne said he'll try to get someone from the state to come talk with us.

Mr. Peart said he likes the way the county Planning & Zoning deals with any deals with the beach front property. They have to have a Conditional Use Permit for anything done. It has to be approved by the P&Z. They almost always go onsite to look at it with the owner. Commission Chair Bourne said that would be a good thing for us to do.

OATH OF OFFICE

Commission Chair Lance Bourne and Commission Member Pat Argyle recited their Oath of Office.

MINUTES

December 4, 2013

Commission Member Stone said he was at the meeting, but his name wasn't added to the roll call. Commission Member Schiess made the motion to approve the minutes of December 4, the regularly scheduled meeting and they remain as they are written. Motion died for lack of second.

Commission Member Schiess made the motion to accept the minutes with the correction of adding Jim Stone's name to the members that are present on that evening. Commission Member Gracey seconded the motion. All in favor and the motion carried.

December 20, 2013

Commission Member House made the motion to approve the minutes of the special meeting of December 20, 2013 as changed. Commission Member Schiess seconded the motion. All in favor and the motion carried.

DISCUSSION OF AREAS TO ALLOW ADDITIONAL HEIGHT

Commission Chair Bourne said he feels the area between Bear Hollow and Lochwood would be a good place to let additional height come in for hotels, etc. It would have zero impact. Also below Shundahai there's a plateau there with a steep hillside behind it. Frehner's built a road to it when they were here. Ted Wilson's piece on the top of Bridgerland, which is now commercial, would also be a good place. He doesn't want beach front to allow for height.

Commission Member Schiess asked how it would be done; do we create an overlay map? Commission Chair Bourne said it could be done that way or we could just make it a Conditional Use Permit.

Whenever we have a Public Hearing, the message is very clear that people want the beach protected.

Commission Member Schiess said he talked with Jennifer Huefner and she said when the Planning Commission worked on the beach development zone, they thought they were doing a good job, but many years later, they're realizing they didn't accomplish what they thought they were doing. They were hoping to limit the beach front to single residential areas from the park to the south end of the lake. They were hoping to have view corridors in that area. He thinks it would help to have an ordinance to say so much of the beach front has to be unobstructed to leave a view of the lake.

Commission Member Argyle talked about the height and those behind them that want a view. People build on the mountain side so they can have a view of the lake. We should look at the properties and walk them to make wise decisions.

Randall Knight said a lot of people worry about the height of homes, but not the height of trees they plant. Commission Member House said everyone has their own opinion about protecting the beach.

Commission Chair Bourne said we always go over ordinances in the winter. So we can work on that this winter.

Riley Argyle said you should think about access for emergencies/utilities if you're thinking of adding height on the hillsides west of town. Also, a good spot to add height would be along the forest service line. Commission Chair Bourne said he would like to get more information from the fire chief about height.

Commission Member Argyle said there are people who have built in certain spots because they know that the height someone else could build in front of them would only be 35'. So, we need to think about those people also.

Commission Chair Bourne said we'll have a work meeting with the Town Council and Public Works and talk over all these things. He suggested they read the attorney comments about height in other cities.

He'll try to forward that information to the Commission Members.

Commission Member Schiess said he doesn't want to see the city get involved with the height in front of other people. Commission Member Argyle said that's why we need to stick to the present height. She doesn't want to get involved with that either.

Commission Member Schiess wanted it put in the minutes that when we have a work meeting, we'll put on the agenda that they will be looking at possible places for hotels/motels. And a conversation about the view corridors and describing what they could be. Mr. Peart suggested staying away from the hotel/motel. There's other things that want height. Maybe just call it height areas.

Commission Member Schiess said we should also add on the agenda to the Work Meeting, that we need to identify certain ordinances that are affected by these possible changes that we should review prior to that meeting and we should probably identify those so that we can come to some type of conclusions. Commission Chair Bourne asked Commission Member Schiess to bring those ordinance references in.

VOTE FOR CHAIR/VICE CHAIR

Commission Member Argyle stated that the Mayor or Chair can also vote. They are voting members. Commission Chair Bourne said he would like to stay on as Chair.

It was voted that the Chair will be Lance Bourne. Vice Chairman will be Mike Schiess.

MISCELLANEOUS

Commission Member Schiess talked about the letter he sent out about height and tried to explain it. He said he felt awkward in the meeting and was trying to reach a decision based on following the ordinances, which weren't clear enough. He explained some things he's learned about the ordinances. Commission Chair Bourne said that's why we talk about them in the winter. We need to work on clearing some things up. He told the Planning Commission it will be good to go to the Town Council meeting tomorrow.

Commission Chair Bourne said when something is on our agenda, that's what we talk about. The audience is not allowed to participate, but sometimes their comments are huge distractions. He won't allow that to happen. We have the right to ask them to leave. We were so back and forth at our last meeting. We didn't have a clear answer which way to go.

Commission Member Schiess suggested when we make a motion, we should state the ordinance governing that motion.

Commission Chair Bourne said from now on, developers need to have everything to us two weeks before or it won't even be looked at.

Mr. Mecham said he would appreciate better communication with the board. If a developer is supposed to have everything to them two weeks in advance, then when he needs a punch list, it should be given to him early enough so he can meet the deadline. It's not fair to hold up the developer. Commission Chair Bourne said it's hard to make a good decision if something is just given to us that evening. He will stand by that from now on. Mr. Mecham said he would like the same consideration. Commission Chair Bourne asked Mr. Mecham to take "shared parking" off the plans. That's not in our ordinance and is really confusing.

Commission Member Argyle asked what negotiations Mr. Mecham has made. We allowed more parking, what did he give the town for that? Mr. Mecham said he set down with the engineer regarding 150 S. He agreed to put the sidewalk on his property, take care of ½ of the runoff onto his property and a turn-around at the end. He basically gave up 50' of beach front property for a turn around. It wasn't directly for more parking but for the project in general. Mr. Mecham said he would like better communication between himself and the Planning Commission.

Commission Member Argyle questioned him buying a fire truck. Mr. Mecham said he won't be buying one. It's up to the fire district with respect to the service of height. Commission Member Argyle said because some mistakes were done in the past, it doesn't mean we have to still keep making the same mistakes.

There was discussion about the fire truck. Mr. Mecham said he doesn't have to present that until the Certificate of Occupancy is issued. Commission Member Argyle said she doesn't want it to be a surprise. Mr. Mecham said it won't be.

TRAILS AND PARKS PLAN

This will be looked at next month.

ADJOURNMENT

Commission Member Schiess made the motion to adjourn the meeting at 6:39 p.m. Commission Member Gracey seconded the motion. All in favor and the meeting adjourned.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk