

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 3, 2014 at the Garden City Lakeview Center located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the Public Hearing at 4:35 p.m.

Planning Commission Members Present:

Lance Bourne, Chair  
Jim Stone  
Susann House  
DeWayne Gifford  
Mike Schiess  
Pat Argyle

Excused: Steve Arnold  
Jim Hanzelka

Others Present:

Sharlene Millard  
George Peart  
Mark & Kathy Hislop  
Darin Pugmire  
Cheree Lutz  
Kathy Johnson  
Chuck Stocking  
Cindy McLaughlin  
Bobbi Coray  
Natalie Doolin  
Jeff & Cindy Winter  
John Spuhler

Jim Kemp  
Norm Mecham  
Gary McKee  
Joey Stocking  
Rick Lucas  
Connor Ward  
Ken Hansen  
Randall Hansen  
Amber Parry  
Anita Weston  
Sharai Hardinger

ROLL CALL

Commission Chair Bourne asked for a roll call: Commission Chair Bourne, Commission Member Stone, Commission Member House, Commission Member Gifford, Commission Member Schiess, Commission Member Argyle

SHORT TERM RENTAL ZONE

A member of the audience, Gary McKee, said he feels like the town is taking away the people's free agency by regulating zones for Short Term Rentals. He's concerned about the people who have a home and leave for a couple of years and they need to be able to rent it out by having the

option of using it for the nightly rentals. As a realtor, he feels like it's easier to sell property if it can be used for nightly rentals.

Mr. McKee said Garden City has gone to a lot of work to have the short term rental ordinance in place. The people that come are people that we play on the lake with, eat at the restaurants, etc. We want to be around them. It's a good thing to have to Garden City.

Commission Chair Bourne said we're only talking about not allowing nightly rentals in three subdivisions; Bridgerland, Cottages and Lochwood. If another subdivision decides not to allow them, they would need to put it in their CCR's and let the town know and we'll look at it and probably honor it.

Mayor John Spuhler explained that previously, if someone come in for approval of a rental, we would legally have to give them a license and let the HOA work on stopping it. We are trying to be more harmonious and work with the HOA's. If it's in their CCR's not to allow short term rentals, we won't be giving a license in those areas.

Ken Hansen said it would be a good idea for HOA's who are against the nightly rentals, to have it written, by name and how many voted against it for the record.

Gary McKee asked about Azure Cove. They are a subdivision and think they have an HOA, but it's not done legally. Can they make that decision? Mayor Spuhler said no, it's really hard to get CCR's after a subdivision is created, but it can be done.

A man from Lake Meadow Lodge said they have an HOA, but they don't allow short-term rentals. Sharai Hardinger said it's getting complicated knowing who allows it and who doesn't.

Commission Member Argyle said people are so confused about where they can rent and where they can't. She thinks this might help HOA's to clarify if they're renting or not. Also, a lot of people might use a 1031 exchange to buy a home. They can't occupy it, it has to be a rental. So in some of these areas, it might stop them from buying a second home. Those are things subdivisions need to keep in mind as far as rentals are in mind. It will clarify things for a lot of people.

Rick Lucas asked why the city is getting involved, if HOA's are the ones that need to enforce their own rules? Mayor Spuhler said clarity is a good thing. We're just trying to work with the HOA's where before we couldn't, by law. HOA's usually don't have the money to fight it either.

Joey Stocking said he understands that it needs to be clearer, however, 5 years from now it may not be clear. He understands that it has been confusing, but he believes HOA's should fight their own fight. He wondered if the town couldn't just do what they do for building permits – require a letter from the HOA's before it's issued.

Commission Chair Bourne said Bridgerland HOA is going after those who are renting and the city will be sued because they gave a license.

Cindy McLaughlin agreed with Joey Stocking. She wondered why the City is patrolling the HOA's? Norm Mecham wondered why we couldn't make it part of our ordinance that if something is filed with the Town that they don't allow short term rentals in their HOA's then we won't issue a license for that subdivision.

Randall Hansen asked if he started a subdivision behind his house and they form an HOA, would the town have to create another ordinance about it? Commission Chair Bourne said when the subdivision is formed, that would all be laid out by the developer then.

There was discussion about putting the Short Term Rental zone on a map so it's black and white. Also, we need something from the HOA's showing that short term rentals are not allowed within their CCR's. Joey Stocking suggested having a single letter shown every time from the HOA's because some CCR's state reasons that rentals could be approved. Commission Member Argyle said that would open a can of worms.

There was more discussion.

Joey Stocking said good neighbor laws should apply to everyone, not just short term rentals.

#### BEAR LAKE LODGE, DBA WATER'S EDGE PRELIMINARY

After discussion, a man from Lake Meadow Lodge talked about Bear Lake Lodge, dba Water's Edge. He talked about a fence that separates the properties. It should be on the easement with the city. They don't oppose having the project there, but they want them to follow the rules. He questioned the height. It's not on the plans. Commission Chair Bourne said they need to follow and keep in touch with the meetings.

Mayor Spuhler said the town has been working with Mr. Mecham about height and made sure that the height will work. He said we and Mr. Mecham have been very careful and followed the ordinance. The Town has already gone through the height process with him.

#### ADJOURNMENT

Commission Member Stone made the motion to close the Public Hearing for December 3, 2014. Commission Member House seconded the motion. All in favor and the meeting closed at 5:22 p.m.

APPROVED:

ATTEST:

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Lance Bourne, Chair

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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 3, 2014 at the Garden City Lakeview Center located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the meeting at 5:23 p.m.

Planning Commission Members Present:

Lance Bourne, Chair  
Jim Stone  
Susann House  
DeWayne Gifford  
Mike Schiess  
Pat Argyle

Excused: Steve Arnold  
Jim Hanzelka

Others Present:

Sharlene Millard  
George Peart  
Mark & Kathy Hislop  
Darin Pugmire  
Cheree Lutz  
Kathy Johnson  
Chuck Stocking  
Cindy McLaughlin  
Bobbi Coray  
Natalie Doolin  
Jeff & Cindy Winter  
John Spuhler

Jim Kemp  
Norm Mecham  
Gary McKee  
Joey Stocking  
Rick Lucas  
Connor Ward  
Ken Hansen  
Randall Hansen  
Amber Parry  
Anita Weston  
Sharai Hardinger

ROLL CALL

Commission Chair Bourne asked for a roll call vote: Commission Chair Bourne, Commission Member Stone, Commission Member House, Commission Member Gifford, Commission Member Schiess, Commission Member Argyle.

MINUTES

Public Hearing November 5, 2014

Commission Member Schiess said he has reviewed the minutes of the Public Hearing held on Wednesday, November 5, 2014 and he would make the motion to accept the minutes as they are. He sees no changes or corrections that need to be made. Commission Member House seconded

the motion. Commission Member Argyle said she won't vote because she wasn't here last month. Commission Member Gifford for, Commission Member Stone for, Commission Member Schiess for. Motion Carried.

#### Regular Meeting November 5, 2014

Commission Member Gifford made the motion to approve the minutes as written. Commission Member Schiess seconded the motion. All in favor and the motion carried.

#### LODGE AT BEAR LAKE, DBA WATER'S EDGE PRELIMINARY

Mr. Mecham said he pulled everything off of the last plans, and put phases on – then did engineering; sewer, water and drainage. Phase I is for the hotel. Everything not in a phase is common area. Whatever phase they do first, everything else comes in as common area.

The height was already addressed on the development plan. All phases won't be done at once. He will be in for final review of the phases.

Mr. Mecham said the Engineer needs to see where the water and sewer lines go and the drainage. His Engineer and the town Engineer are still communicating about drainage on 150 S. They need to do their calculations for storm water retention.

Mr. Mecham said he doesn't think this will be approved tonight, but he'd like to get things cleaned up for next month. He will submit another legal description for next month – it will be one that encompasses the whole project to make it easier for the attorney.

Commission Chair Bourne said he thinks the plans look pretty clean. He would like Mr. Mecham to have the square footage on the plans for final.

Mr. Mecham said he'll have it ready for next month. He would prefer not to have approval tonight, so he can clean it up better. The Engineers need to talk and get things done.

There was discussion about 150 S. and the turn-around.

Mr. Mecham said he needs to work with the town engineer about the easement. It has not been put in place on his property. The easement is for the drainage, turnaround and sidewalk. He is waiting on that from the town Engineer.

Commission Member Argyle made the motion that we table the approval of the preliminary phase of Bear Lake Lodge, dba the Water's Edge until next month, January. Commission Member House seconded the motion. All in favor and the motion carried.

#### SHORT TERM RENTALS

Commission Member Bourne asked Mr. Mecham what he thinks about a zone for Short-Term Rentals. He wants to make sure it's black and white.

Mr. Mecham said he would write in our ordinance, a short paragraph, that short term rentals are allowed anywhere in the city until an HOA has given us a letter on file that says they do not allow them in their subdivision. He said it would be good to make the verbiage positive.

It has to be in the CCR's that rentals are not allowed. If it's gray in their CCR's, we'll allow the rentals. It has to be clear.

Mayor Spuhler said he would like a copy of the HOA CCR's on file at the office if they do not allow rentals. Mr. Mecham suggested having a letter from the HOA with majority vote, because a lot of CCR's were created before short term rentals were popular. Council Member Pugmire said that would be good, it's not up to the Town to interpret CCR's.

There was discussion about different ways that were suggested to approve the rentals.

Mark Hislop said a lot of problems come from people that are trying to rent out their house by themselves while they are in St. George or somewhere, but all they want is the income and not the hassle. He wondered about requiring them to have a property management company so someone can be here to take care of the problems. It was stated that their contact person is required to be here within 15 mins. Mayor Spuhler wondered if we want to spend the money for another enforcement officer to help enforce rentals.

Commission Chair Bourne suggested putting in the ordinance that after 2 strikes, they have to go through a property management. Because, currently, after 3 strikes they're out.

After more discussion, Mayor Spuhler said all HOA's have to be within a subdivision. A group of homes can't just go form one.

There was discussion about enforcing the rules. Why have the rules if we can't force them?

#### #14-19

Commission Chair Bourne said the Town Council has sent back this ordinance and they don't want to allow homes in the C-2 zone. Mayor Spuhler explained that if a town wants to be well organized, we need to have specific zones for specific items. If homes are popping up everywhere, you'll never create the zone you're wanting.

Commission Member Schiess wonders if we're limiting ourselves to start up the industrial area by not allowing houses, or homes behind their business. He wonders if it will limit the early growth before the big growth.

Commission Member Argyle suggested letting people build so they can stay inside the building, but it still looks like a business.

Commission Chair Bourne said if we do that, it could be a conditional use. Mark Hislop suggested having a business with a store front and maybe letting people live downstairs, so it

doesn't look like a home there. Mayor Spuhler said that might work, but he doesn't want a family living in there where the kids can run over the road, so we need to be careful how that's worded.

Commission Chair Bourne said we need to review our commercial zones and look at 3<sup>rd</sup> West and what we want to do as a review. So we'll put this on our agenda for next month to get ready for mailings.

Commission Member Argyle asked if a man already owns storage sheds, could he expand if the zone is different now? After discussion, it was determined that he'll need to look at the zone for what he can do.

Commission Member Gifford made the motion to table item #4. Commission Member Schiess seconded the motion. All in favor and the motion carried.

#### SIGN ORDINANCE

Commission Member House asked why attached and detached sign definitions were taken out. Joey Stocking wasn't sure why we needed it in there. Commission Member Argyle suggested having pictures of the signs.

Commission Chair Bourne said we should address feather signs. Commission Member Schiess said it should be a rule for people to take them down when they get to be shreds.

It was decided that Commission Member House will take pictures of signs for next month.

#### MISCELLANEOUS

There was discussion about the parking ordinance of Hollywood. They will work on this for next month.

Commission Member Schiess said his term of duty is up as of tonight. He said his experience working with them has been great, he's enjoyed every moment. He appreciates each one of them.

#### ADJOURNMENT

Commission Member Gifford made the motion to adjourn the meeting at 7:20 p.m. Commission Member House seconded the motion. All in favor and the meeting closed.

APPROVED:

ATTEST:

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Lance Bourne, Chair

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Sharlene Millard, Assistant Clerk