

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

The Garden City Planning Commission held a Public Hearing on Wednesday, February 6, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the Public Hearing at 4:30 p.m.

Planning Commission Members Present:

Lance Bourne, Chair  
DeWayne Gifford  
Dallas Solum  
Nate Gracey  
Excused: Mike Schiess  
Chuck Stocking

Others Present:

Sharlene Millard	Bill England
Bryce Nielson	Anita Weston
Joey Stocking	John Spuhler
Andy Stokes	Jack Dahl
Mark & Kathy Hislop	Cindy McLaughlin
Brian House	Natalie Doolin
Alisha & Tom Crowson	Dan Kurek
George Peart	Ken Hansen
Norm Mecham	Gary McKee
Bryce Huefner	Greg & Carol Bills
Jordan Parry	Danny White

**ORDINANCE DISCUSSION**

**#12-18 Sign Ordinance**

Mayor Spuhler wanted to give some background on this ordinance. This started about 2 ½ years ago. He said we all want a beautiful place for people to come and visit, where businesses thrive and are excited to be here. We want people to want to invest their money here. At the Bear Lake Blueprint meetings, it was stated that people want a beautiful viewscape. Later on, there was a charette program from Utah State University which talked about signage. The program was done by students and it was a well done project. The professor from that project and the Mayor of Logan, and others have commented on the signage in Garden City. He talked with the Code Enforcement officer and asked him to not give tickets right now, but to come up with a comprehensive sign ordinance and a goal to make it better.

We had several different business owners who are very vocal come to six different meetings. We've had several public hearings and Planning Commission and Town Council meetings regarding this ordinance. We're trying to be as transparent as possible. We've talked with the League of Cities and Towns. We've done a lot of homework on this ordinance. We are open to what the public wants and value your opinions. He thinks we've done a pretty good job so far.

Bill England had some questions and asked for some clarification on the sign ordinance. He said businesses need to be able to advertise or they won't make it through the winter. Andy Stokes said for temporary items, it's a simple permit and tells the amount of time they are to be up. As far as his bear, if it was in compliance before the current ordinance, there won't be a problem with him still having the bear. It would be grandfathered. Those who will not be grandfathered, are those who were not in compliance before the current ordinance. Commission Chair Bourne said his bear is grandfathered, but his LED open sign is not.

Mark Hislop said we went from a small sign ordinance to a 31 page sign ordinance. We went from coming in and telling the city what we want to do, to now signs have to be engineered and we could spend thousands of dollars to get a sign permit and it has to be done by a licensed sign contractor. Danny White said we've done a lot of research on this and the every consultant he's talked to, including the city engineers, structural engineers, city attorney and BRAG have said we need to require proper engineering on every sign that goes up. We have loosened the restrictions a little and given a certain size range that would not require any type of engineering or a licensed contractor. So we're only asking anything over \$1,000 to require a licensed contractor to install. Anything over 48" high or over 12 square feet in area will require an engineer.

Mayor Spuhler talked about the liability of signs if they fall down. The current ordinance doesn't give enough construct. It didn't make sense and wasn't enforceable because there were so many gray areas. So they've written this ordinance with as much detail as possible so you can understand the rules for signs.

Danny White said for a permanent sign, you don't have to renew the permit every year. It's a one-time fee. If you have a large real estate sign, that would have to be renewed. The fee is not specific, because it's based on the amount of time the commercial inspector is out inspecting.

Norm Mecham questioned the off premise sign locations. Off Premise signs are allowed in all zones. Mr. Mecham thinks it would be a good idea to have it in the ordinance

Cindy McLaughlin questioned the real estate sign she has by the Season's. She also asked about the lights on her building. Are they considered Christmas lights? Commission Chair Bourne said no. Mr. Stokes said there are exemptions for that type of white lights. As far as the sign, if it's under the 12 sq. ft., she won't need engineering. If the sign is the regular real estate signs, she won't need to do anything. Real Estate temporary directional arrows under 8' or 32 sq. ft. are exempt. But they don't need to be up everywhere said Commission Chair Bourne.

Bryce Nielson asked about specifics in the current sign ordinance that this is trying to replace? Mayor Spuhler said architectural standards and length of time for temporary signs. Mr. Nielson asked where some of this ordinance came from. Mr. White said he worked with BRAG and looked at the same type of visions from the Bear Lake Blueprint; Moab, Park City, other destination resorts. Mr. Nielson said Logan's sign ordinance is less restrictive. Mr. White said Logan requires engineering on every permanent sign, however they do allow electronic signs and A frames. Do we want to look like Logan? Mr. Nielson said the purpose of the ordinance is to be able to find places. Is this being structured for the people living here or are we structuring it for the businesses to make profit?

Mayor Spuhler said we haven't enforced the sign ordinance because we couldn't. We worked with several templates to get this ordinance. We had six meetings to see what the businesses want. We want this to also look good for the future.

Mr. Stokes said he's looked at several city's sign ordinances. A lot of this is self inflicted by the business owner's because they would point each other out. He's also looked at the complaints of businesses and future litigation and law suits. We may still see items that will need to be changed in the future.

Ken Hansen is concerned about all the summer people and Logan people being concerned about what Garden City looks like. He's more concerned about the city getting out of the businesses way and let them make a living. He thinks the city is being too complicated. We need an attorney to even understand the ordinance. There's a lot of inconsistencies in the ordinance. He said a business owner who came to the meetings was told to give their input, but the city will do what they want to do. Bill England agreed.

Mr. Hansen said places like Moab and Park City have 365 days to make a living. Garden City has 60 good days. He feels that the city is regulating businesses too much and slowly taking our freedoms away. Mayor Spuhler said this ordinance actually gives businesses more flexibility than the current ordinance. This is the third public hearing. He knows it's hard on businesses, that's why he told Mr. Stokes to work with the public. Mr. Hansen said he's not concerned that there's an ordinance, it's the way it's coming down. Mayor Spuhler said he is concerned about the businesses. He wants them to be busy and make money, but it has to look right. If signs look terrible, it's bad to the long term health of the business community. We want the town to be aesthetically pleasing and beautiful. This ordinance won't be perfect, it will probably need some changes, but it will be more black and white.

Mr. Stokes said he does care what the summer people and visitors think of Garden City. They bring the money here. He has family with property here and has been coming here since he was a child. He likes to think he has a vested interest in Garden City. As a code enforcement officer, he's had grown men tattle on each other. He got pretty tired of it. He feels this ordinance is more clear and more enforceable. He's been putting information together since last June. He's tried to get it enforceable and also make the city look nicer.

Mr. Hislop asked if there isn't a way we could put in a set amount for how much the permit will cost? Mr. White said every sign is different, some may have electricity to it. We just have to see how much it will cost for the commercial inspector. After discussion, they said once Mr. Peart gets his commercial building inspector license, we could probably get a set amount.

Jack Dahl asked about changing the signs of each business within his complex within his sign. Mr. Stokes said it's already a sign, changing the businesses won't require an additional permit.

Natalie Doolin asked about construction signs in residential zones. She wondered if there are limits to those. Commission Chair Bourne said that is something they need to work on. She also asked about the banners for the home parade and chocolate festival. They've gotten flack about it previously. Mr. White said they've changed the wording to "community" sponsored events. You would still need approval by the Town Council. She asked about limits on private property or public property. Mr. Stokes said it can't be in the public right of ways or traffic signaling devices. As far as private property, it would be okay to have them up there. Our goal is to benefit the businesses.

Mr. White talked about the banners on the town's new decorative lights. Those will also be available for community events.

Joey Stocking asked if community events are defined anywhere? Mr. White said no, but the event will need to be approved by the Town Council.

Mayor Spuhler asked the audience to read the ordinance and send any changes to Mr. White. This ordinance will be going through Town Council on February 21<sup>st</sup>.

Gary McKee said the businesses just hope that this doesn't cost too much. Every \$50.00 taken out of their pockets hurts. Mayor Spuhler said the city engineer said he wanted a survey for every sign put up. The city is trying to get around a few things to make it more cost effective for the businesses.

George Peart said he's anti-rules and anti-government, but after talking about the sign ordinance last month, he's been out of town and saw a motor home that was trashed with a big banner on it and before he got through the town there were 5 others that were even worse. So, he is glad we're working on this ordinance.

Mr. Hansen said if someone has a crane and parks it all over the town with a big banner on it can he do that? Mr. Stokes said as long as it's registered, it's okay. Mr. Hansen said he feels that's an inconsistency. They can do it even though they don't have a business license here? Mr. Stokes said if you have a truck and are using it to perpetuate your business, yes, it's okay. Mr. Hansen said what if he has a trailer and puts a big banner on the side of it and parks it for advertisement? He will only use it once a year. Mr. Stokes said maybe we need to look at that. Mr. Hansen said that's against helping this town to look nice and beautiful.

Commission Chair Bourne said we've tried to clean that up a few years ago, if it's getting abused, we'll tweak this ordinance and change it. He thinks we've had some great comments tonight.

Norm Mecham suggested having another work meeting to get more input. He feels the signs in zones really needs to be addressed. It's confusing. He talked about some concerns he has with the ordinance. He went over a few of the inconsistencies he's found. Mayor Spuhler suggested bringing this information to another work meeting next week.

#12-19 – Definitions  
No Comments

CONDITIONAL USE PERMIT, Bryce Huefner

Mr. Huefner said he wants to build some employee housing that is reasonable and cost effective for him. Mayor Spuhler said there are other options. Traveland has already been approved to have cabins there. He suggested to the Planning Commission that they have Employee Housing as a Conditional Use with an annual review. If Mr. Huefner, or anyone else, wants to build these cabins for employee housing and then down the road thinks it would be a good idea to use them as short-term rentals, it would change the use on them.

Anita Weston said people build homes and then turn them over as short-term rentals without meeting any of the commercial regulations. It's changed to a business so she feels it should meet commercial regulations. She said you can't walk to your neighbor anymore because there's all these short-term rentals in between. We need to start separating our commercial from our residential. Our residential is just dotted with businesses.

Mayor Spuhler said we have a weird dynamic here. People work here and how do we help them find a place to live?

George Peart asked if the employee cabins are temporary. Mr. Huefner said his intention is to put them on skids so he can move them if he needs to.

DeWayne Gifford of the Sewer Dist. said they have a struggle with the short term rentals also. They can put 40 – 60 people in a home and the showers and toilets are used a lot more. The Sewer Dept. can't bill them more because they're residential. Council Member Brian House asked why they didn't come talk about that then. Mr. Gifford said he doesn't know. He wasn't here then.

Mayor Spuhler said we're here for Bryce's project.

Mr. Peart said if the cabins are put on skids as Mr. Huefner said, Garden City doesn't allow short-term rentals in temporary buildings. Commission Member Solum asked how you would run water and sewer to a temporary building. Mr. Huefner said he would run them as necessary. Power would be underground. If he ever moved them, it would be to move them out. Not around on the property. He's not sure what he'll do with the property down the road. As of right now, he's not interested in doing nightly rentals, but if this pans out, he might like to house people other than his employees.

#### #13-01 Employee Housing Definition

Commission Chair Bourne said he looked on the internet and didn't find a better definition. Commission Member Solum said this states that only 2 employees can live in the buildings.

#### #13-02 Employee Housing permitted in commercial zones through a Conditional Use Permit

Commission Chair Bourne would like to limit employee housing in the C-2 zone.

#### Architectural Standards for bunkhouses

Mr. Huefner said he was going to have log siding like KOA has. He wants it to look nice.

#### ADJOURNMENT

Commission Chair Bourne closed the Public Hearing at 6:20 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, February 6, 2013 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Chair Lance Bourne opened the Public Hearing at 4:30 p.m.

Planning Commission Members Present:

Lance Bourne, Chair  
DeWayne Gifford  
Dallas Solum  
Nate Gracey  
Excused: Mike Schiess  
Chuck Stocking

Others Present:

Sharlene Millard	Bill England
Bryce Nielson	Anita Weston
Joey Stocking	John Spuhler
Andy Stokes	Jack Dahl
Mark & Kathy Hislop	Cindy McLaughlin
Brian House	Natalie Doolin
Alisha & Tom Crowson	Dan Kurek
George Peart	Ken Hansen
Norm Mecham	Gary McKee
Bryce Huefner	Greg & Carol Bills
Jordan Parry	Danny White
Randall Knight	

APPROVAL OF MINUTES

Commission Member Solum made the motion to approve the minutes of January 9, 2013 as written. Commission Member Gracey seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION/APPROVAL

#12-18 - Sign Ordinance

Commission Chair Bourne said we are waiting until after our Tuesday meeting before this can be approved.

#12-19- Definitions

This was not discussed

#13-01 – Employee Housing Definition

There was a lot of discussion about who to let live in the employee housing, seasonal workers and individual water connections. Mayor Spuhler said our current ordinance says there needs to be a meter

for every living structure. He wondered if you could put an awning between them and call the two buildings one building. There was discussion about impact fees. Mr. Huefner said he was told he wouldn't have to pay an impact fee for the sewer until it's sold. Mr. Peart said there are other impact fees, i.e. road, park and fire that will each need to be paid also. He wondered if he should charge each cabin the fees individually? Mr. Huefner said he won't do this project if he has to pay impact fees. That's why we don't have employee housing because it's too expensive to build.

Mayor Spuhler said this is a different situation. It's commercial, but residential. Mr. Peart said we have an ordinance that deals with RV Parks, but this is between the RV Park and residential.

Commission Chair Bourne said we need to write an ordinance so they don't have to pay their impact fees. Mayor Spuhler said the problem isn't the way this is written. The problem is the other ordinances that are in place that are cost a lot and are cost prohibitive. We've made other people follow our ordinances and pay for impact fees for other things. The ordinance states that a single residence needs a meter.

Mr. Huefner said he is just trying to make cheap, safe housing for employees. If there has to be a meter for every house, a water connection, sewer connection and impact fees for each, there's no way he can do this. Council Member House said if you do this, you're opening it up so that anyone can do the same thing and put in 50 cabins for employee housing and then sell each of them off without going to the Planning Commission and Town Council. Then, zero impact fees will be collected on all of those buildings.

Mr. Huefner said it would be better to have around 20 cabins in one area for housing than having one or two cabins here and there for housing.

Mayor Spuhler said there's an RV park that is already set up under our ordinances. Maybe he and some other business owners could buy that. Mayor Spuhler said they are already approved to have Park Models and they're already set up with water and sewer, etc. Council Member House wondered about putting a trailer in Buttercup to house his employees.

Mayor Spuhler said the way the current ordinance is, he would have to pay the impact fees.

There was discussion about different possibilities of how to help make this project work.

Mr. Peart said he doesn't know why the RV Park wouldn't want to have some park models there for 60 or more days.

Mr. Huefner said he's already got a 2" water line to take care of his nursery and it would also take care of the bunkhouses. He doesn't think he should have to have new connections to them.

Commission Member Gifford said if you open it up for people other than employees, you're going to have a lot of bunkhouses into a little mobile home park. Mr. Huefner said that's ok. We're looking for places for people to live. Commission Member Gifford said it would be more feasible for an entrepreneur to build a motel. Mayor Spuhler said it would open it up for smart entrepreneurs to circumvent our ordinance.

Commission Member Solum asked how long his workers are here. Mr. Huefner said from 6-8 months minimum, 1 year maximum. Commission Member Solum said 1 year is not temporary anymore. Mayor Spuhler said "seasonal" would have to be defined.

Mayor Spuhler talked about items that would need to be in the new ordinance; permanent buildings, water connections, and impact fees, time limit of 60 days to 8 months of living time. George Peart said garbage pickup, each unit addressed for emergency services.

Council Member House said if you build this ordinance for what Mr. Huefner wants, you need to remember that he's on a 2" water line. If another business wants to do this same type of business and they only have a ¾" line, what are you going to do then?

George Peart said if it's a conditional use, you could state that there has to be a 2" line. That's the beauty of a conditional use permit.

Mayor Spuhler said you could also state how many units would be allowed on the property, employees only, size of water lines, etc. Otherwise, people are going to find ways around it. We've already had to deal with someone who had two homes and only wanted one meter. They felt since they owned both homes, they could only have their one meter. It was a big fight to put them on two meters.

Mayor Spuhler asked Commission Chair Bourne to write up an ordinance and have Danny White look at it.

Commission Member Gifford made the motion to table this until Tuesday at 9:00 a.m. Commission Member Solum seconded the motion. All in favor and the motion carried.

#### ADJOURNMENT

Commission Member Gracey made the motion to adjourn at 7:35 p.m. Commission Member Gifford seconded the motion. All in favor and the motion carried.

APPROVED:

ATTEST:

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Lance Bourne, Chair

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Sharlene Millard, Assistant Clerk