

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

The Garden City Planning Commission held a Public Hearing on Wednesday, September 7, 2011 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Vice Chair Jennifer Huefner opened the meeting at 4:36 p.m.

Commission Members Present:

Jennifer Huefner
Darin Pugmire
Dallas Solum
Chuck Stocking

Excused: Lance Bourne
Mike Schiess

Others Present:

Sharlene Millard	Patty Brockman
Anita Weston	Heide & Paul Krug
Dennis & Bonnie Olsen	Kent Fisher
Cathy Andersen	Kathy Hislop
Norm Mecham	George Peart
Kevin Horn	Ken Hansen
Jorunn Akre	John Spuhler
Travis Hobbs	Jim Blotter
Curt Knudsen	Bess Huefner

Commission Vice Chair Huefner explained that the purpose of this Public Hearing is to receive comment on the items on the agenda tonight.

Ordinance #11-13, Height Requirements for Buildings.

Commission Vice Chair Huefner explained that this ordinance states that before any excavation of land to construct a structure, the building inspector, homeowner or business owner and general contractor must meet at the building site and determine average undisturbed existing lot grade. She asked if there were any comments from the audience. Commission Member Solum stated that they will also have a document that will be signed showing the agreement. Any excess of the height will result in modification or removal of the structure.

There was discussion as to what average, undisturbed grade is and that it's based on the footprint of the house that occupies the property.

Hillside Estates Zone.

Commission Vice Chair Huefner explained that this new zone has been created to decrease the density above the canal. She read through the Hillside Estates ordinance.

There were questions about the previous master plan approvals for subdivisions/PUD's, but have not been recorded. Commission Vice Chair Huefner explained that the approvals are good for a year, if nothing has been started within the one year after the approvals are given, then the developer will have to start over. Ken Hansen said that is for approved plats, but wondered about master plan approvals. What about people that have their master plans ready and are hoping to develop according to those master plans, but because of economic situations can't develop right now? Commission Vice Chair Huefner said she will get clarification for him. She said it makes sense that they wouldn't have to change their master plans. The commercial zones won't be changed either.

Norm Mecham said he's sympathetic about having larger lots, but at the Envision Utah meeting, people want cluster dwellings with open space.

It was stated that at $\frac{3}{4}$ acre, it will leave the lots more natural looking.

Mr. Hansen said that one thing we need to look at is the cost per lot to develop $\frac{3}{4}$ and 1 acres lots. It's much higher than if we stayed at the concept of doing clustering. We should be looking at the cost of the sewer and water lines to maintain, which will drive the cost per lot up a lot. We're also trying to find ways to help our children be able to stay in the area and will they be able to afford it?

Mr. Hansen asked what this ordinance does that you really can't do in the Recreational Residential zone? Commission Vice Chair Huefner said she understands it as having lower density above the canal with higher density below the canal. So, when you're looking at the mountains, you could see the trees and not just homes. We're trying to preserve the view of the mountains.

Mr. Hansen wondered where we want more density in the valley? Commission Vice Chair Huefner said in the downtown area, which would help with the cost of infrastructure also.

Mr. Hansen said we have a really limited area here in the valley. What if the area mature's and we have a higher area of commercial, What's there to support those kind of people that will buy that type of property without a view? He thinks most of the people that will be coming here will be for jobs, which we don't have any, other than recreation.

Kent Fisher talked about his subdivision and Shundahai being annexed.

Mr. Olsen asked about water run-off going into the higher density areas.

Mayor Spuhler said there's been a lot of effort put into the Bear Lake Valley Blueprint. It showed density and that it's a good thing in some areas. It talks about a higher density in the downtown area. He feels the type of housing will bring people in the downtown area. Mr. Hansen said he's been here 54 years and it's still the same. Mayor Spuhler said it's a vision that they've worked hard on. He said the Town Council has a right to look at projects individually.

Mr. Hansen and Mr. Fisher said they've spent thousands of dollars on planning their subdivision. Their lots aren't all $\frac{3}{4}$ acre. Many are smaller. They followed the ordinance then in creating their plans and feel that they shouldn't have to start all over.

Commission Member Pugmire feels if a master plan was approved and it doesn't change, then the zone wouldn't go against it. But we'll have to find out if that's right or not.

Height Requirement

Jim Blotter came late and wanted to see what the ordinance states as far as height. Are chimney's included? Commission Member Solum said the intent was to establish an average elevation of a particular piece of property where the footprint of the house is sitting. We're trying to avoid a situation where a person can go in and modify the lay of the land and take the measurement after. We want the height to be determined before excavation. A lot of times a developer can go in and greatly modify the limitations of the height. We want it determined from the virgin soil.

Mr. Blotter said he can go in and excavate any way he wants without a building permit and leave it for a few years and call it virgin ground. Commission Vice Chair Huefner said they're aware of that. Mr. Blotter said he's concerned that we're making it so hard for George Peart.

Commission Member Solum said we're trying to make it easier for Mr. Peart so he'll know that everyone agreed to the height from a certain point. Mr. Peart agreed. He said Bridgerland's ordinances are more restrictive than Garden City's. The new ordinance won't really affect them as it is now. They measure from the lowest point of the house, however they do let people raise the elevation. Mr. Peart also said the Building Height form that everyone signs, the homeowner doesn't need to be there if the contractor is. He would really like the form to state that. Homeowner's are hardly ever here during this phase of the project.

Travis Hobbs wondered how the elevation can be determined. The town's trimble unit is about 20' off. There is no way to do it exactly. Mr. Peart said we'll just do our best.

Conditional Use Permit, Union Wireless

There were no comments from the audience.

ADJOURNMENT

Commission Vice Chair Huefner closed the Public Hearing at 5:33 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 regular meeting on Wednesday, September 7, 2011 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Commission Vice Chair Jennifer Huefner opened the meeting at 5:33 p.m.

Commission Members Present:

Jennifer Huefner
Darin Pugmire
Dallas Solum
Chuck Stocking

Excused: Lance Bourne
Mike Schiess

Others Present:

Sharlene Millard
Anita Weston
Dennis & Bonnie Olsen
Cathy Andersen
Norm Mecham
Kevin Horn
Jorunn Akre
Travis Hobbs
Curt Knudsen

Patty Brockman
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Kent Fisher
Kathy Hislop
George Peart
Ken Hansen
John Spuhler
Jim Blotter
Bess Huefner

Commission Vice Chair Jennifer Huefner opened the meeting with a prayer and Commission Member Chuck Stocking led us in the Pledge of Allegiance.

MINUTES

This is moved to the end of the meeting.

ORDINANCE 11-13, Height of Buildings

Commission Member Solum said he wants to reinforce his position on this ordinance. This ordinance has merit in what it does. It determines the allowable elevation by following the undisturbed soil condition. Our intent was to stop someone from coming in and altering the lay of the land and using that to their benefit. He feels the ordinance helps mitigate that problem.

Commission Member Stocking agrees and is okay with the ordinance. Commission Member Pugmire feels it's important to have this ordinance to help determine the height. We're having too much of a problem with people trying to raise their property. We're trying to come up with a decision and make it right. He feels this ordinance does that.

Commission Vice Chair Huefner said this is a way to prevent some of the trouble of the past. She likes the ordinance the way it's written.

Commission Member Solum made the motion that the Planning and Zoning Commission approves the Ordinance #11-13 as written. Commission Member Stocking seconded the motion. All in favor and the motion carried.

WATER'S EDGE, Preliminary of Phases 1 – 5.

Kevin Horn showed the newly created phases of the Water's Edge. He said they've created more parking. They've stayed away from 150 S. for parking and it is now just on their property. It could work in conjunction with the town if they wanted to have parking later.

The commercial areas are in Phases one and two. Phase one has the required parking. Phase two has another commercial building with enough parking for that. Phase 3 would bring in the swimming pool, and hotel area, with parking above and below grade. Phase four is a condo building and parking for that is throughout previous phases. The phase five is the final phase. With that construction they've expanded parking. They also have parking for oversize vehicles. They still have the same accesses on 50 S. and 150 S. They still have green space next to the buildings so there's no parking next to it.

They plan to accommodate the dumpster issue. They will also have some recycling bins.

Mr. Horn said one of their desires is to generate jobs. Bringing in commercial portions allows there to be a foothold there and then they'll bring in the hotel. It takes about a year's worth of time to get a business to build up.

The underground parking has skylights with an underground access to the hotel. The parking at 150 S. will be controlled by going one way.

Commission Member Solum asked about some significant encroachment on the south. Mr. Horn said it will differentiate between 150 S. and the parking to the north of 150 S. It also makes for a nicer environment to have trees there.

Commission Member Pugmire asked about having two accesses while they're doing the phases. Mr. Horn said there will be one access with a turn around. Commission Member Pugmire asked about the possibility of larger vehicles being able to make turns within the parking lot. Mr. Horn said they should be able to get through.

Commission Vice Chair Huefner asked about the agreement with the Fire District. Mr. Mecham said that doesn't come into play until Phase 3 or 4. She said, but tonight you're here for preliminary approval of all the phases. Mr. Mecham said it needs to be refined and he'll meet with them before the Town Council meeting.

Mayor Spuhler talked about the water capacity for this project. We're still trying to get master approval for our water. We still need to be able to make sure we can get water to this development and also provide the fire district water if they need it. He feels it's more of a city issue than a development issue. We just don't know all the details for the water. It's important to know that before the final, the city needs to be able to have water. Mr. Hobbs agreed.

Commission Member Solum wondered about sharing access with those on 50 S. Lake Meadow is very concerned about that. Mr. Horn said they consider it a public street to serve nearby properties. They

originally had an access off the street, but were asked to change it.

Mr. Knudsen said they're very concerned about them using 50 S. They would like to keep it low density. He also feels there is parking still on city property. An engineer within Lake Meadow Lodge figures there are 156 parking stalls and it's not enough.

Mayor Spuhler said it is inconvenient to have to use the 50 S. Street. He doesn't think it's going to be a massive impact 10 months of the year, but for two months it may.

Mr. Knudsen is also worried about the people from Shundahai using the same beach as those in the Water's Edge. Where are all of those people going to park? Mr. Mecham said there's nothing recorded saying they can use the beach. He'll have to see how the development goes. If they allow access, it might be during off-seasons. This will be a public development. He's not patrolling the beach to see who's down there.

Mr. Horn said the parking garage entrance is off of 150 S. Those owners are going to know where to go for the underground parking. That takes a big chunk of parking from 50 S. On State Highway 30, there has to be 150' between driveways. They also have the 150' from the intersection to their entrance. Their standards are higher than what is required from an intersection to a major entrance. They shouldn't need to back up onto the highway.

Commission Member Pugmire asked about the bonding. Commission Vice Chair Huefner said we really need bonding on this project. You are selling real estate. It's technically a subdivision. We will need to require bonding, but it will ultimately be up to the Town Council. Mr. Mecham said that won't be required until Phase 4 and 5. Commission Member Pugmire said we need to have a performance bond so it is guaranteed that it will be finished and to protect the city.

Mr. Mecham asked if anyone that comes in for a commercial building, being required to get a performance bond? Commission Member Pugmire said yes. Our ordinance should state that.

Kathy Hislop stated that all PUD's have to follow the subdivision ordinance.

The bonding will be for the amenities and for the improvements. Not the buildings.

Commission Member Pugmire asked about Mr. Mecham doing a development when another one isn't finished. Mayor Spuhler talked about it being a separate entity. We'll have to look at it and the Town Council has the final say. It's also not part of the preliminary.

Mr. Mecham said he's a member of the LLC. There are building permits being issued at Eagle Feather. He bonded for the egress. The water tank has been turned over to the town and is waiting for state approval.

Mr. Hobbs said he was there when the ordinance was created and it was set up so that a developer can't start 4 or 5 projects and then just leave them undone. Mr. Mecham feels that Shundahai is being thrown under the bus. He's done everything that was asked all the way around. Mayor Spuhler said Mr. Mecham has done a great job with developing and has done what he said he would do.

Commission Vice Chair Huefner said we need the comments from the Engineer before the final.

Commission Member Stocking made the motion that we approve the preliminary plat for Water's Edge, phases 1-5, a Planned Unit Development at approximately 50 S. Bear Lake Blvd. This project will be a multiple and mixed use with retail stores, commercial buildings, a hotel and condominiums. Kevin Horn and Norm Mecham. Commission Member Solum seconded the motion. All in favor and the motion carried.

UNION WIRELESS, Patty Brockman

Patty Brockman is here representing Union Wireless. She said they would like to install some communication equipment on the existing CentraCom/Bear Lake Communications tower. Commission Vice Chair Huefner explained that the Planning Commission had earlier recommended for companies to share towers.

Ms. Brockman said there will be no altering of the tower, just installing equipment to the tower.

Commission Member Pugmire made the motion to approve the Conditional Use Permit for the Bear Lake Communication Tower located at 165 S. Bear Lake Blvd., Union Wireless. Commission Member Solum seconded the motion. All in favor and the motion carried.

REZONE TO HILLSIDE ESTATES

Mayor Spuhler said that he feels that those who have made a big investment by creating master plans should not have to follow this new zone. Commission Vice Chair Huefner agreed and said she agrees with Commission Member Pugmire's statement that if the developer sticks to what was originally approved, they should be able to stay with that, but if it varies at all, they will need to follow the new zone.

Commission Vice Chair Huefner said Commission Chair Bourne is the one who created this zone and she would feel more comfortable to wait to approve this when he returns.

Commission Member Pugmire would like to look this over better and put it on the agenda for next month.

Mayor Spuhler said he would like the Planning Commission members to look at the blueprint and handed out the blueprint pamphlets.

BULK METERS

Travis Hobbs explained that they have bulk meters in some of the developments in town. He thinks it makes more sense for developers to only have to put in a bulk meter instead of several individual meters. It can then be branched into their development the way the developer needs it, but the town's obligation would stop at the bulk meter. The line size would depend on the fire flow.

He's interested in this because of the freezing of lines, and having to work on lines on private property. He also wants to keep up the integrity of the town's lines. They wouldn't be able to stop the private property owners from planting trees, having propane lines, etc., over their water lines. He thinks the bulk meter set up is pretty good. It also makes it easier for billing. There would be only one meter the town would have to maintain.

Mr. Hobbs said he hasn't heard any complaints from subdivisions who have the bulk meters. The town now requires some big standards for their water lines. The developments won't have to meet the high standards within their subdivisions.

As far as the downside of bulk meters, Mr. Hobbs said maybe one person will use a lot more water and not pay his fair share. The water would be billed as a group. Also, because of lack of payment, we would have no other choice than to shut down the whole development. But it does encourage water conservation within the subdivision.

Mr. Hobbs said when a subdivision comes in and has a lot of roads; it's really tough for them to maintain their water system. It's better to put in a big bulk meter. He said if Mr. Mecham wanted them to put in a bulk meter at the bottom of the mountain of Shundahai, years down the road, they can't use the apparatus to make loops to then there's a lot of little systems. It is getting to be the popular thing to have private developments. The HOA's could also charge more for water and it would help them get more revenue for their subdivision. Also, commercial businesses are being required to put in bulk meters.

There was discussion about trying to meter individual condo's vs. having a bulk meter. Kent Fisher doesn't think it's fair if one person has a larger lot and doesn't have to pay his fair share. He thinks it should be up to the developer. He also doesn't think it's fair to dictate to the developer what they should have to do.

Mr. Hobbs said he's more worried about 20 years down the road; he wouldn't want someone ripping up trees that grew that long just to get to the water line. He would like to get it into the ordinance and will have something for next month to present.

PLANNING

Commission Vice Chair Huefner said she's doing some trail planning but she's not quite ready to present it yet. She's concerned with public lands access and is afraid if we don't get something on paper, we'll lose it. She would also like to put something on the general plan map with a trail that will parallel the canals.

She wants to preserve some trails; those within Richardson and Hodges Canyon. Mayor Spuhler said we also need signage.

Mayor Spuhler feels it would be a good eagle scout project to have them gps places they could hike to create trails. Commission Vice Chair Huefner said even those who 4-wheel a lot could create trails.

Mr. Hobbs said it would be good to get a trail sign showing trails that interconnect between Idaho and Utah; Franklin Basin, the Sinks, etc. He also suggested putting up something on the Beaver Creek Lodge sign stating that Garden City is just over the hill. It would make people more aware that we're closer than they think.

Mayor Spuhler will put a price list together and get a couple gps's. Commission Member Pugmire said gps's are also on their phones. He already has people track their trails and then puts it on his website.

STAFF MISCELLANEOUS

Building Inspector George Peart said he's had three new building permits. He is requiring a survey point or cap for setbacks. A subdivision plat does not count as a survey.

Mr. Hobbs and Commission Member Solum talked about using a transit to measure height of buildings. Commission Member Pugmire said not to lend it out, it will get destroyed.

Mayor Spuhler talked about water being our big issue for about 20 days a year. Mr. Hobbs said during the winter they supply the whole town with water with a 2" pipe. During the summer, we have the 24"

pipe going full force. It's a ton of water that is being used during the summer.

Mayor Spuhler reminded the Planning Commission that water is a big issue for developments.

MISCELLANEOUS

Commission Member Solum said there's still a black plastic bag on the fire hydrant. Mr. Hobbs said it will be replaced in the next few weeks. He'll have to shut off water to the whole town. The hydrant actually works, it's just not in use and by law he has to put a black bag over it.

Commission Member Pugmire talked about needing more parking in town and needing signage for the 50 S. parking lot.

MINUTES

July 6th, 2011, Public Hearing and Regular Meeting

August 3, 2011, Public Hearing and Regular Meeting

Commission Member Solum made the motion to approve the Public Hearing and Planning Commission meeting on July 6, 2011 and the Public Hearing and Public Commission meeting of August 3, 2011 as written. Commission Member Pugmire seconded the motion. All in favor and the motion carried.

ADJOURNMENT

Commission Member Stocking adjourned the meeting at 8:06 p.m. Commission Member Pugmire seconded the motion. All in favor and the meeting adjourned.

APPROVED:

ATTEST:

Lance Bourne, Chair

Sharlene Millard, Assistant Clerk