

**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 4, 2009 at the Garden City Office Building located at 69 N. Paradise Parkway.

Commission Members Present:

Jennifer Huefner, Chairman
Greg Bills
Scott Gough
Pat Argyle

Others Present:

Sharlene Millard
Anita Weston
Newell Daines
Annie Jean Daines

Brian House
Truman Huefner

Commission Chair Huefner opened the Public Hearing at 6:50 p.m. Anita Weston said Mr. Daines has already explained it to her. There were no other comments.

Commission Chair Huefner closed the Public Hearing at 6:51 p.m.

APPROVED:

ATTEST:

Jennifer Huefner, Chair

Assistant Clerk

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

The Garden City Planning Commission held their regularly scheduled meeting on Wednesday, February 4, 2009 at the Garden City Office Building located at 69 W. Paradise Parkway. Chair Huefner opened the meeting at 7:00 p.m.

Commission Members Present:

Jennifer Huefner, Chairman
Greg Bills
Scott Gough
Pat Argyle
DJ Ballingham

Others Present:

Sharlene Millard
Anita Weston
Newell Daines
Annie Jean Daines

Brian House
Truman Huefner

MINUTES

The Minutes of the Public Hearing of January 7, 2009 were presented. Commission Member Argyle made the motion to approve the minutes as presented. Commission Member Argyle seconded the motion. All in favor and the motion carried.

The Minutes of the regular meeting of January 7, 2009 were presented. Commission Member Gough made the motion to accept the minutes as written for the Planning Commission dated January 7, 2009. Commission Member Bills seconded the motion. All in favor and the motion carried.

**CHANGE OF ACCESS IN KIMBALL'S BLUE WATER
BEACH SUBDIVISION, Newell and Annie Jean Daines**

Mr. Daines explained that he bought his land in Blue Water Subdivision in 1968. They split a lot with Dr. Broadbent and changed the right-of-way so it was away from their property. This was done about 15 years ago, but it was never documented. Garden City built another extension of their 8" line along the highway. They made a deal to give them 20' on the west side of Sweetwater. They were going to put a 4" water line to the fire

hydrant and the end of the line at the cleanout. They found out this needed to be recorded.

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Mr. Daines said the town couldn't put a roadway along there until this was documented. So they started a survey to get it done. This road has already been changed. The plat is just showing what is in existence.

The access is listed as a private right-of-way, so it's not part of the city street system. It goes to the high-water line of the lake.

Commission Member Argyle asked if the right-of-way has been signed off by everyone that has shared it. Mr. Daines said yes and showed their signatures.

Commission Member Gough wondered if they need to get a letter of abandonment and have it signed. Commission Member Argyle agreed and said there could be a legal recourse if not.

Commission Member Argyle said if someone comes along saying it hasn't been abandoned, they would legally, be able to drive right over his property. But if you have the abandonment, they can't.

Mr. Daines said he will do it and thinks he'll have it done by Town Council next Thursday.

Commission Member Gough said he thinks this looks legit and great. Commission Member Bills had no comment.

The Planning Commission read from the letter from the Attorney. The utility problem will be taken care of if the Daines have their letter of abandonment. Their deed will still show the road through their property.

Commission Member Gough made the motion to recommend that the Town Council approve the access roadway within Block A of the Blue Water Beach Subdivision with the condition that they vacate the right of way easement road and turn it into a utility easement, because it must stay a utility easement. Commission Member Bills seconded the motion. All in favor and the motion carried.

ORDINANCES

Sign Ordinance

Commission Chair Huefner said she has tried to find some sign ordinances on the Internet and couldn't find one she liked. She would like to keep the ordinance simple, but cover our bases. Commission Member Argyle wondered if our hands are tied because of the state.

Mayor Hansen said he doesn't want to complicate it up by worrying about what the state requires. He said just do the ordinances; people will need to be aware there are rules in addition to ours.

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Mayor's Comments

Mayor Hansen said we can get the Internet in this building now. It's not secured from our other computers, but will be soon. Also, the ordinances are in a pdf file. We will be getting a new copier with scanner capabilities and he would like their packets sent over the Internet. We won't have to use so much paper. We can also send subdivision plats electronically.

Mayor Hansen said the electrician will be here Monday to put in sound and an overhead projector. It will be a motorized pull down style. We will have one wireless microphone on the Council's table. When we can afford a mixing board, we will have a microphone for everyone here. We will also get a white board to write on and a laser pointer.

Mayor Hansen said the new library is coming along well.

Sign Ordinance

Mayor Hansen said there will be a workshop with business owners next week at the Town Council meeting to go over the sign ordinance.

The Planning Commission discussed sizes of signs.

Mayor Hansen suggested having signs as a Conditional Use Permit. He said he's tired of rules and would like to have something that is easy to understand.

Commission Member Ballingham wondered if they could tie it with the architectural standards.

Mayor Hansen said the Planning Commission has made a lot of progress reasoning with people that come in for developing.

Affordable Housing

Council Member House said we need to have an ordinance for affordable housing type of developments. Mayor Hansen said they've got a model ordinance they're working on. It doesn't have to be complicated. Just allow for higher density and set down specific criteria defined for affordable housing.

Mayor Hansen said he wants something streamlined for Bear Hollow and then make further changes later. The Town Council will try to draft something up.

Architectural Standards

Commission Chair Huefner said we could allow something to look like wood or stone. That would be good. Commission Member Ballingham suggested making it a Conditional Use Permit. He said there's stuff out there that is just junk. We don't want it to look like junk.

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Commission Member Bills said part of that is unknown and trial and error.

Commission Member Gough suggested leaving it like it is and just bring some in as a Conditional Use Permit. Commission Member Argyle suggested them bringing in samples of what they want to us.

Commission Member Bills doesn't want to have to approve samples. He said we just want to guarantee the looks of the project, not the quality.

Commission Member Ballingham made the motion that under 11C-1508-Architectural Standards, we change the paragraph to read: "To ensure that Garden City continues to be aesthetically pleasing, all business buildings will be required to meet certain architectural standards. All business buildings shall have an outer appearance that is consistent with surrounding structures. All business buildings shall have 3 exterior walls (one of which must face the street) that are made of wood, glass, stone, brick, **steel** or stucco. Take out: ~~Vinyl or aluminum siding will not be allowed on any of these three sides but may be permitted only on the back of the building where it is not visible from the street.~~ And add: **Other materials may be approved through a Conditional Use, through a presentation with the Planning & Zoning Commission and approval by the Town Council.** All materials

are to have an earth tone color in nature and appearance. Architecture elevations must be reviewed and approved by the Planning Commission. Commission Member Gough seconded the motion. All in favor and the motion carried.

TRAINING

Commission Chair Huefner passed out a paper that she would like the Commission members to read. She said they're doing a good job. Most of what the Planning Commission does is considered to be land use decisions. She said this paper helped her find the ordinances that applied to the applicants and also helped make the decisions she needed to make. If they look at the worksheet, it will help them to find if it's being done correctly.

Commission Chair Huefner said they need to base their decisions on substantial or preponderance of evidence. They should also include a reference in the motion. They need to include references to the evidence of how they based their decision. So in the motion, it should include the reference of the ordinance and evidence which the decision was based on.

Mayor Hansen thinks that's very wise.

Commission Chair Huefner said it's rare for a court to overturn the decision if they have the evidence. They could get in trouble if they don't use the ordinance when they make the decision.

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Mayor Hansen said it's so important to document the reasons why something was approved or disapproved. If a project goes to court, and you've based your decision on an opinion, you are "arbitrary and capricious". The decision won't hold up and you're setting a precedent unless you state why you made that decision.

Commission Chair Huefner said you either apply the ordinance as it's written or change it. You have to strictly apply and interpret ordinances. When you state the reasons for the decision, the facts need to be credible and relevant. You need to take into consideration public clamor, but very rarely will you get credible, factual evidence to base your opinion on. Mayor Hansen said very rarely does public clamor represent what the community as a whole feels.

Next month Marilyn Adams will be coming for more training.

Commission Chair Huefner said an applicant needs a chance to prepare before they come to the meeting. Our engineer and attorney need to get their information to us at least three days prior to the meeting. The Planning Commission are not engineers or attorneys, but they're left to be one when their comments aren't here for us to look at.

Commission Member Gough said his mind is opened up when he receives their comments. There are things he wouldn't even think about that they do.

MISCELLANEOUS

Commission Chair Huefner said she and Commission Member Ballingham have talked about changing the Planning Commission meeting to another date. They wondered if that would be all right with the Mayor and other Commission members.

Mayor Hansen said we put the meeting at this date so if there's a subdivision approval, it can go to the Town Council the following week. It has been tried many ways before and didn't seem to work. He'll keep an open mind and try to decide what to do.

Commission Member Ballingham said his religious responsibilities take him away on the first Wednesday. He would really like to come to these meetings. It has become a dilemma to him. If it can't be moved, he'll have to make a choice.

Commission Chair Huefner apologized for not taking any action on the ordinance brought before them last month by Commission Member Gough. Commission Member

Gough said it sounded like it wasn't good for the town. It didn't matter to him.

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ADJOURNMENT

Commission Member Ballingham made the motion to adjourn the meeting at 9:00 p.m.

APPROVED:

ATTEST:

Jennifer Huefner, Chair

Assistant Clerk