

**City of Saratoga Springs  
Planning Commission Meeting  
January 28, 2016**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Minutes**

**Present:**

Commission Members: Kirk Wilkins, Sandra Steele, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay, Hayden Williamson (delayed)

Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Janelle Wright

Others: Ron Eichelberger, Tony Neth, Tanja Neth, Brian Pontius, Spencer Wilson, Brandon Stevens, Craig Tedesco, Matt Scott, Mica Cain, Rich Beuller, Nick Mango, Jim Denton

**Excused:**

**Call to Order** - 6:30 p.m. by Chairman Kirk Wilkins

1. **Pledge of Allegiance** - led by Ian
2. **Roll Call** – A quorum was present
3. **Public Input Open** by Chairman Kirk Wilkins  
No input was received this evening.  
**Public Input Closed** by Chairman Kirk Wilkins
4. **Public Hearing: Preliminary Plat for Fox Hollow Neighborhood 12 Irrigation Pond, located approximately 3250 South 840 West. Matt Scott - JF Capital applicant. SCC-Fox hollow LLC**  
Sarah Carroll presented the Plat. The Master Development Agreement requires an irrigation pond inside of Neighborhood 12 for Zone 3 secondary water. The pond has been constructed and the purpose of the plat is to formalize the boundaries of the pond and dedicate it to the City. There will also be access easements over gravel roads to access the pond site.  
Matt Scott with JF Capital was present to answer questions.

**Public Hearing Open** – by Chairman Kirk Wilkins

No public comment was given.

**Public Hearing Closed** – by Chairman Kirk Wilkins

Sandra Steele had asked earlier if there was a fence surrounding this pond. She was told there was.

Ken Kilgore had no concerns.

Troy Cunningham asked if this counted against the green space requirement.

Sarah Carroll replied it did not.

Kirk Wilkins asked what was on the bottom of the pond was finished with.

Sarah Carroll responded that it would be concrete.

David Funk had no questions.

Brandon MacKay had no comments.

**Motion made by Troy Cunningham to recommend approval to the City Council of the Fox Hollow Neighborhood 12 Irrigation Pond Preliminary Plat, located at 3250 South 840 West, with the Findings and Conditions in the Staff Report. Seconded by David Funk. Aye: Sandra Steele, David Funk, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.**

## Hayden Williamson Joined the Commissioners.

### 5. **Public Hearing: Concept Plan and Rezone for Lake Mountain, located approximately 3750 S and West of Lake Mountain Estates, Nick Baird applicant.**

Kimber Gabryszak presented the plans. They are requesting approval of a Rezone from Agriculture to an R-3. The applicant has submitted a Concept Plan for 254 units in a single-family subdivision. They will need to address additional items before Preliminary Plats come forward. As Developments come in they are required to install improvements for Foothill Blvd and dedicate property to the City. There is insignificant Secondary water pressure currently and they will need to obtain that before any projects can move forward. There are naturally occurring sensitive lands and steep areas from past mining activity. Nick Mango for the applicant was present. If this is approved they will then engage all the engineering consultants to dig through all the issues. They believe they meet the requirements and ask for a favorable recommendation.

#### **Public Hearing Open – by Chairman Kirk Wilkins**

Rod Eicheberger was concerned about the safety perspective and the access points to get out of this parcel which are Harbor Park and Harrier. He thinks these roads cannot handle the traffic for development of this subdivision. The water is a big issue and there is a lot of concern in the subdivision about that. Until Redwood Road is done this is a problem. Schools are all overcrowded and they are 4-5 years out before they get some relief. It's a general welfare issue and he thinks it should be put off until the issues can be fixed.

Jim Denton is concerned about the water pressure. He is also concerned about access and traffic flow and congestion on Redwood Road. He wants to know if it is consistent with the General Plan. He asked where Harrier Blvd. would go to and what the timeline was. He asked if there was cooperation from BLM. There needs to be safety for children. He wanted to know what the difference was between retention and detention ponds. He wants to make sure the homeowners are protected from flooding. There are major issues like traffic, water, and sewer.

Spencer Wilson would also like to make sure the issues with water and traffic are addressed before this is approved. He asks that they be sensitive to the timeline and making sure all the preliminary steps are addressed before all the homes are put in.

Brian Pontius expresses a lot of the same concerns as the others. He also worries about emergency vehicles being able to access the area. Safety of kids and road traffic is a concern, big trucks are not always careful. They understand it is inevitable but it's been a bit of a nightmare with water and traffic. Let's get the entire infrastructure in first.

Brandon Stevens mentioned all his concerns have been voiced but he knows of many others who are not here tonight that have the same concerns and asked that they all be taken into consideration.

#### **Public Hearing Closed - by Chairman Kirk Wilkins**

Nick Mango addressed concerns. He agrees that these are all issues that need to be addressed. They look forward to working on all those issues. It's a catch 22 in rezoning to start those studies. The first things that will happen are traffic studies and culinary and secondary studies to take care of these issues. They have already started talking about some of these issues. All of the issues will be addressed as they move forward. He explained that Retention basins do not have an outlet for water to flow out and Detention basins have regulated outflow. They will make sure all the water is controlled. For access points they anticipate that Harrier and Harbor Park would be the first two points connected, based on water studies so far Harrier may be the first. There will be further connections to the north as that property develops and eventually to Foothill Blvd. As part of the traffic study they will address the ultimate build out and the construction period. It is very common they control construction hours.

Kirk Wilkins asked how the City helps make sure there are schools.

Kimber Gabryszak replied that State Code prohibits them from considering impacts on schools.

Kirk Wilkins asked her to address the secondary water. How do you control the building if you don't have water?

Kimber Gabryszak responded that similar to this there are two other projects that are on hold until the water issues are taken care of. They have given preliminary approval but have not approved construction drawings or final plats. This would be similar, they need initial entitlements to where they can get the funding they need to make the improvements they need but they will not be able to move forward until they have a secondary water source. The City would hold final plat, building permits, things like that. If the development wants to move forward ahead of that time they have the option of helping the City to put in the infrastructure. The infrastructure has to be in place before they can move forward with development.

Kevin Thurman clarified that typically we are talking about the difference between a System Improvement and Project Improvement. A System Improvement is part of a City's system so it's reimbursable under impact fee law. A Project Improvement is not reimbursable, it's 100% developers cost. The draft development agreement addresses those concerns about required improvements, which are based on current regulations at the time of Plat submittal. The Development Agreement also incorporates the Foothill Blvd. dedication and improvements.

Kirk Wilkins asked if it included the concern about flood waters.

Kevin Thurman replied that it did, the storm drain improvements are required per the City Engineering Standards.

Kirk Wilkins asked the applicant about his timeline and phasing.

Nick Mango said given the secondary water concern he did not have a good timeline. He would like it to be this year, but as for a specific time it could be years away still. This is the first step towards getting that scheduled. Emergency access will be designed in a way that meets all City access codes for emergency vehicles.

Hayden Williamson apologized for being late and thanked the public for coming to voice their concerns. From a code standpoint they do require a secondary access. He asked how many homes could be serviced by that second access.

Kimber Gabryszak replied that a lot of it would fall to the traffic study. The City Engineer would review that and make recommendations. Also depending on the phasing the City would look at potential additional connections, depending on the phasing it could line up with other access points.

Kevin Thurman said they actually discussed this with a recent code amendment with secondary construction access. The language in the code addresses this concern and would require a second access. Whenever the total number of dwelling units served by a single means of access will exceed 50, that is the trigger for another access. Not just this project by itself but the cumulative effect from surrounding projects would be included.

Kimber Gabryszak noted that as long as there are two ways out that can be serviced appropriately. If there were one road to the area as soon as there are more than 50 homes that are served by that access they need another road.

Hayden Williamson then clarified that they would tie into Harbor Parkway. He asked if the property to the north would be developed soon.

Kimber Gabryszak replied it was part of Fox Hollow and has entitlements to be developed. It could be developed in the next 3-5 years.

Hayden Williamson asked how this impacted the timeline of Foothill Blvd.

Kimber Gabryszak replied that we would love to have Foothill Blvd. as soon as possible, but unless the City can come up with the funding to buy the right-of-way and build the road we have to rely on developers to help. The City has been able to obtain access in some locations. Fox Hollow is coming in and they are dedicating their portions and there could be the additional access to Foothill Blvd. but the timeline is still difficult to say.

Brandon MacKay asked if they could touch on when the secondary water could be solved.

Kimber Gabryszak replied that the City dug a secondary well last year but the water was not useable and they are looking at other sources at this point. Once the well comes on line the developments could move forward together but we don't have a specific timeline on the secondary water yet.

Kevin Thurman commented that they had the option of providing their own water as well.

Brandon MacKay asked how far out really is this development.

Kimber Gabryszak said it was based on when they could get a secondary water source identified and have it be successful 6-12 months is the soonest. She would anticipate it being longer than that.

David Funk noted that even though it was preliminary drawings he had some concerns. He thanked the public for coming and voicing their concerns. His comments on the drawings were that if Foothill Blvd. was coming into play they may want to change drawings to reflect access to that. A lot of houses are ¼ acre right next to ½ acre lots, he wasn't sure if that was a good fit. He noticed a missing lot line and lot size discrepancies. He had not heard about where we were at with culinary water.

Janelle Wright commented that there is still limited capacity in this area and they would need to consult with Hansen Allen & Luce for that information. There was still some capacity but wasn't sure how much, it would need to be taken into consideration and they wouldn't be allowed to continue without that as well.

David Funk reminded the public that this will also appear before City Council and they could also share their concerns with them.

Troy Cunningham had a concern with the water pressure that was addressed already. He asked about the current use of the ground for mining and asked what that entailed.

Nick Mango replied that this property has been mined for sand and gravel, the plan is to shut those operations down and they will mitigate those impacts and clean everything up. It will involve state regulations and permits.

Troy Cunningham asked if UDOT takes into consideration possible future development in their studies.

Kimber Gabryszak said anything that is entitled is taken into consideration. They do a lot based on trip counts. If something doesn't have an entitlement yet she is not sure how much they take that into consideration.

They are conducting ongoing studies and are looking at light locations for as far south as the funding goes, Stillwater, possibly farther. The City is also working on other projects with them like synchronized and controlled lights. They will start construction drawings towards the end of 2016, then bidding, and then begin sometime 2017. That is better than the original 2018.

Ken Kilgore asked if they could explain the development agreement and how it coordinated with the portion of Foothill Blvd. outside of this development.

Kevin Thurman said he is not sure the applicant's relationship to who will develop the property. They like to have the property owner so whoever they hire to develop is bound to that. It's a good thing to add the developer to the agreement as well. The coordination of acquiring that piece is up to the developer as part of the rezone. They are getting a significant benefit from the rezone so in return the City is asking for the dedication of Foothill. As far as an exaction they are responsible for improvements necessary to service the property. They need to acquire the easements somehow as a condition of the Rezone.

Ken Kilgore asked what happened if historically significant relics are found.

Kimber Gabryszak said there are not code requirements for historic preservation. If the applicant chooses they can preserve it, work with the State Historic Office.

Ken Kilgore asked if Foothill Blvd. was addressed in Exhibit E.

Kevin Thurman replied that it was the graphic Kimber showed earlier, that would be Exhibit E and would be put into the Master Development Agreement.

Ken Kilgore asked if secondary water was found if it would be shared.

Kimber Gabryszak replied absolutely. It's to alleviate the current condition as well as new developments.

Kevin Thurman said there are State and Federal laws about antiquities that would apply but not City Code.

Ken Kilgore asked about mining continuation if the property is not rezoned.

Kimber Gabryszak said they would be continuing under a grandfather from the County as the City does not allow mining.

Ken Kilgore commented that we need to approve the rezoning because it starts the process moving so they can do the studies and improvements and development pressure. There are also measures to make sure the development doesn't happen until those steps are put in place.

Kimber Gabryszak said if the property stays agricultural it is much harder to get the funding to address those issues. This is giving the developer good faith to get funding and then they can move forward.

Kevin Thurman commented that the City has an interest in obtaining the water, but ultimately it's the developer's responsibility to do that. The funding we have only goes so far, if there is a system improvement identified then we have a short window of time to develop those improvements. If it helps our facility plan they are entitled to an impact fee credit. We are under no obligation to install them for the

developer; they are on the hook for those improvements. For this particular development there may not be a system wide improvement that can be facilitated at this moment, they may have to find that for themselves.

Ken Kilgore commented that there may be a lack of confidence from the public in that we have all these things in place to address traffic and water and such and yet there is a shortage of water and other issues. There is a counter intuitive reason to go ahead with this. It may be that we are also a fast growing city and will always come across these things.

Sandra Steele mentioned the residents concern about flooding and noted the Engineers report said the developer shall protect the entire subdivision from alluvial flooding. She noted that this will help protect this subdivision and the subdivision below. She asked what was decided on landscaping between ¼ acre and ½ acre lots.

Kimber Gabryszak said it has not been resolved yet. If we have the landscaping issues where ½ acre lots can put in less landscaping than the smaller lots it will be an issue that they are next to each other. She asked for clarification of sensitive lands on the plans.

Nick Mango noted that as part of the agreement they have to mitigate the manmade sensitive lands and protect the natural slopes.

Janelle Wright replied that the maximum grading in a lot allowed is 4:1.

Sandra Steele said we don't allow slopes over 30% in a lot, she wanted to make sure because we are dealing with a lot of manmade slopes and she wanted to make sure she understand the difference on the map. She thanked the public for coming and being interested. She reminded them that the site plan they see tonight is very preliminary and there are many changes that need to happen before it would even be considered for a recommendation. She mentioned that Harbor Parkway has been dedicated to the south; she wanted clarification on all of it or just his half.

Nick Mango replied a previous owner already deeded a portion; they are coming to an agreement with them at this time.

Janelle Wright said it's not a collector road so the right-of-way is a normal 56 feet. We will request that they have the access.

Nick Mango noted that their plan follows the dirt road continuing to the south and they have discussed it somewhat.

Kimber Gabryszak said they require planning ahead for connectivity so they would need to extend the road for their access, then the next developer would decide what to do with the road continuing from there.

Sandra Steele is concerned with the size of the development and that it is an awful lot of traffic for just those two roads. She would like to see some increased connectivity. Where there is no connector and only local streets we need to look at that further, the traffic study may say something along those lines.

Kirk Wilkins would like to see that the lot sizes are near size to each other. He would hope they would work closely with staff to take care of all the issues tonight, also to work with existing neighborhoods. He thinks there are enough controls in place to help keep construction before those things are taken care of. He asked with this agreement, what is required from them with Foothill Blvd., what insurance do we have that this will connect to the rest of the city.

Kimber Gabryszak said as properties come forward they are trying to make sure a reasonable portion of connection is provided to the City. There is no guarantee that it will happen in a certain timeframe. They are trying to get funding for the north portion. The first contiguous piece that can be built will be south.

Kirk Wilkins commented that we have no assurance that UDOT will help improve the road. It seems to be that there needs to be more of a problem before they will fix it.

Kimber Gabryszak noted that UDOT is watching and we are pressuring them and that is why they did move their timeline forward. But there has to be the traffic existing before they will take action.

Kevin Thurman said this one project would probably not be the straw that breaks the back of the traffic problem. There are different funding sources they are looking at. As new development comes in there is a transportation fund fee. The City could pass a bond. Otherwise they have to do it in this manner, otherwise how do you come up with the millions of dollars to build Foothill Blvd. We are trying to tackle the problem in different ways. It will take several years to solve this problem. We will continue to acquire these pieces as we go along.

Hayden Williamson asked what is different today that gives us more confidence that the safety measures in place will actually work.

Kimber Gabryszak responded that we have been overhauling the code to make things better for the development community and for the residents. We are holding the developers to higher standards and making sure there is adequate service. Lake Mountain Estates went in with older standards and different review process and we have learned some things. That is why there is a prohibition in putting in any development until the capacity is taken care of.

Sandra Steele noted that the Master Development Agreement said the developer had to dedicate improve and install Foothill Blvd., is he still required to improve it if it's not connected yet?

Kevin Thurman said that is why they are planning it now; it could leave it conceptual so it didn't have to be in this exact alignment. There are options to consider.

Kimber Gabryszak there are tools like escrowing, other agreements, the motion includes a requirement that it's substantially in the same form.

**Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the Lake Mountain rezone, as shown in Exhibit 3, from Agriculture to R-3 with the Findings and Conditions in the Staff Report dated January 21, 2016. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.**

A 5 minute break was taken at this time. Meeting resumed at 8:12 p.m.

#### **6. Work Session: Discussion of Code and Vision.**

Kimber Gabryszak said they have been working on Home Occupations in the Code. They are also working on Mixed Waterfront, Accessory Dwelling Units, and Large Lot landscaping solutions. Longer term they have open space, solar plain issues and residential architecture. They will bring options for landscaping back in February or March. She noted changes they are working on for Home Occupations. They are recommending three classes. Class 1 is basically offices only in homes, recommending that they only need a business license. Class 2 of a home occupation would only need staff approval. Class 3 is things like preschools and dance studios that have multiple classes or impact neighborhoods more. They recommend Class 1 and 2 be allowed in multi and single-family housing. Class 3 is only allowed in single-family.

Ken Kilgore asked if they needed to be concerned with food.

Kimber Gabryszak replied that there are county permitting and regulations from the State. We require that they are current with all federal and state laws. We have talked about the difficulty with the sq. footage allowances. They can either remove sq. ft. altogether or increase it to 50%.

Sandra Steele said we need to define incidental.

Kimber Gabryszak noted the change to the section about signs and they just referenced chapter 19.18. She noted the prohibition of hazardous materials.

Sandra Steele asked if they talked about not using the garage for space for home occupations.

Kimber Gabryszak noted that is says they cannot occupy the required parking spaces. Single family homes are required to have two spaces so they could not use those. If they happened to have an extra they could use that.

Hayden Williamson asked about having something where it would reference the type of lot it was on.

Something may not be as big a deal on a larger lot.

Kimber Gabryszak said it may not be found to be objectionable on a larger lot; it would be a judgement call.

Troy Cunningham asked on the home furnishing, are there State laws about the materials used.

Kimber Gabryszak said when they have questions they consult with the Chief Building Official. She said they recommend that there should be a cap on the number of patrons at a time. They are recommending 10. It may be high for some types of businesses. Once you get over that you start to impact the neighborhood with traffic and utilities. Class 1 are not generating traffic, Class 2 and 3 shall provide traffic plans.

Hayden Williamson wondered if it could be taken to mean something different where they would have to pay to get a traffic study.

Kimber Gabryszak said usually when they refer to that as a traffic study, not plan. A plan would be like enter this way, exit that way. In the approval process Class 1 would be just business license, Class 2 made by planning director, and Class 3 by Planning Commission.

David Funk suggested that when referring to on premise employees they include the word “any” in front to make it less confusing.

Sandra Steele is concerned about 50% of a home being allowed for use. She noted that Lehi only allows 400 sq. ft. or 25% whichever is less. That may be too strict, but 50% is too much. We talked about entrance ways and hallways. In American Fork they address it that if you are going to use an entranceway into your home that is normally used as an entranceway that it would not count as the sq. footage. If it was a different door then it would be counted. Others say only the first floor. She liked that American Fork says Uses Permitted unless expressly prohibited. She is concerned about the lack of guidance as to what kind of Home Occupations. She noted that Tattoo parlor came up before, why would we allow a tattoo parlor in a Regional zone when we wouldn’t allow it in a Commercial zone. Why would we bypass commercial and put them in our homes. Do we want a mechanic to work out of an accessory building, it takes the value down. There are certain uses we need to be cognizant of and think about what it does to property values if we put in uses that we don’t normally see in commercial. We should benchmark on other cities. She asked if there was something pushing this through.

Kimber Gabryszak responded that there is legislation currently undergoing based on the code in our City.

Sandra Steele said they need to be able to get a notarized signature from the property owner in order to put a home occupation in something they don’t own.

Kimber Gabryszak said we are requiring the owner signature.

Sandra Steele thinks it should be in the ordinance as well.

Hayden Williamson likes a lot the things done here. He personally likes to focus on impacts to the surrounding neighborhood. He likes loosening the things like sq. footage. He thinks the City code needs to be the least restrictive and for people that want more control HOA’s can be more restrictive.

Sandra Steele replied that not everyone lives in an HOA. People expect the City to protect them.

Hayden Williamson responded that the challenge is that we would then be regulating people that don’t want to be regulated. He has a hard time seeing how it would impact the neighbors less with one car for a salon than it would for a tattoo parlor.

Ken Kilgore noted that one of the most common comments they get is for property values going down. While he doesn’t have a problem with a tattoo parlor, other people see that as something that would negatively affect them.

Kimber Gabryszak said it is something that is very subjective and you can’t really say if it would really negatively affect a property; it’s often their perceived value.

Hayden Williamson thinks people often think things impact their values but they don’t with an actual appraisal.

Ken Kilgore agreed, people go into a house and people leave the house and no one really knows the difference but most residents are under the impression that it reduces their property values.

Sandra Steele commented that if we don’t allow it in commercial zone, why would we allow it in a residential zone. She argued for it to go into commercial area in previous discussions because of a previous experience. At that time the City Council and Planning Commission did not want it. It’s a big gap to say you can’t have it in neighborhood commercial or residential commercial but you can have it in your home. It has to go all the way to industrial zone.

David Funk asked if we could put it in there that we don’t allow anything in residential that we don’t allow in commercial.

Kimber Gabryszak replied that there is a wide variety of commercial zones, that if you wanted to specify that you could allow what is in commercial you have to be careful because it could be something like a used car lot. You could limit it to industrial perhaps.

David Funk thought that it could be another point that if it doesn’t qualify for commercial then it doesn’t qualify for this either. He mentioned Tax Preparers would be something we wouldn’t want to restrict that wasn’t allowed in commercial.

Sandra Steele thought that would fall under Class 1. She would agree to go ahead to push this through but would like to come back to it at a later time.

Kimber Gabryszak suggested that instead of saying uses which are permitted, say uses permitted in office warehouse and industrial are not allowed.

Kirk Wilkins said we should have fewer restrictions and go back to the impact to the neighborhood. As to the sq. ft. it doesn't matter if it's 30 or 50%, as long as it doesn't impact the neighborhood with parking etc.

It's his home, he paid for it, let him do what he wants as long as it doesn't impact the neighborhood.

Sandra Steele remarked that it is secondary and incidental to the home. If you are being a mechanic in your outbuilding it may no longer be incidental. We should define it or take it out.

Hayden Williamson commented that we want to focus on impacts because with a mechanic there is an impact on the neighborhood, a programmer in his home isn't impacting the neighbors.

Sandra Steele thinks if we don't have prohibited uses and the only thing we have is subjective like noise or odor, what might affect me may not affect you.

Ken Kilgore commented that if someone is going into a house and then they come out, how would you know what they were going into the house for? Signs aren't regulated by content.

Kimber Gabryszak drafted prohibited uses definition as, any uses in section 19.04.07 which are solely permitted or conditional uses in the office warehouse and industrial zones are prohibited as home occupations. The others are going to be mitigated through impacts. It includes; Alcoholic beverages packaging, state liquor store, auto repair major, industrial bakery, commercial and industrial laundry, crematory, contract construction services, impound yard, mining, pawn shop, recycling, tobacco specialty, shooting ranges, sexually oriented business, mini storage, vehicle storage, tattoo parlors.

Hayden Williamson asked that everyone give a summary of where they are on this issue.

Ken Kilgore was ok on the impact thing but was concerned about the 50%.

Kimber Gabryszak noted she went back to the 1/3 not including entrances and hallways.

Hayden Williamson thinks we should focus 100% on impacts to the neighborhood.

Brandon MacKay agreed with Hayden Williamson, we should try to limit the scope of what they regulate.

David Funk likes the prohibited uses and is in favor of as little impact as they can have and he is grateful for the breakdowns between Classes 1, 2, and 3.

Kirk Wilkins likes the different levels as well, it's simpler and gets rid of red tape. As for the 33%, less restriction is better, stick to the impact on neighbors.

Troy Cunningham also likes the classes we are going to. He is concerned about the impacts as well and likes the idea of certain uses not allowed in a home.

Ken Kilgore liked the classes. The point of the exercise isn't to make it less constrictive but to make it more consistent. You may say you don't like the law, but there is law or code, but it's inconsistent so people argue. It's not that he has a problem with the 50% but when we say it's incidental, it's a point for an argument. It may need to be one or the other, 50% or incidental. We need to stick with the objective to de-conflict the code and make it fair to everybody.

Sandra Steele would like to see it left with the 1/3 percent as was put in there. It's hard to make the argument that it's incidental and secondary if it's at 50%. By leaving it at 1/3 it is less restrictive than other areas.

It's probably ok right now to get this through, she would like to see us go through and really think about the uses that could impact a neighborhood. If we aren't careful we could have a whole street that is commercial. That is not why we have zoning. There is more that we can do to protect the neighborhoods and more we can do to open it up to more things but we don't want to throw the door wide open.

Kimber Gabryszak changed it back to 40% for now. She also mentioned possibly changing the name to Home Based Business.

## 7. Approval of Minutes:

### a. January 14, 2016

**Motion made by David Funk to approve the minutes from January 14, 2016. Seconded by Hayden Williamson. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.**

## 8. Reports of Action.

Fox Hollow Neighborhood 12 Irrigation Pond – Positive Recommendation with Conditions.

**Motion made by David Funk to approve the Report of Action for the Fox Hollow Neighborhood 12 Irrigation Pond located at approximately 3250 south. Seconded by Troy Cunningham. Aye: Sandra Steele, David Funk, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Abstain: Hayden Williamson. Motion passed 6 - 0.**

9. **Commission Comments.** – No comments were made.

10. **Director's Report:**

a. **Council Actions**

b. **Applications and Approval**

c. **Upcoming Agendas**

- o Code Amendments, Mixed waterfront, Grandview commons work session.

d. **Other**

- o City Council has requested a joint training session, perhaps February 9<sup>th</sup>.
- o There were questions on the Peck dump. They will be discussing this with the County next week. They are applying to extend their existing permit granted in 2002. It is still limited to construction waste. They are allowed a limited number of tires and minimal other materials but not on a regular basis. There is some concern because their sign says sanitary dump. Their code doesn't differentiate; however, there will be a clause in their permit that only allows construction debris as well as in the permit from the State. There will be members from the Council attending that hearing next week. We want to make sure they are not granting a permanent extension.

Sandra Steele said her concern is when they apply for a sanitary landfill that means anything can go in it. Kimber Gabryszak replied that they have to apply to the State for sanitary landfill. She said there are 6 different categories and the County verified today that it is the category that doesn't allow those things. She will follow up with them for sure.

Sandra Steele is concerned they would go away and someone else comes in and sees they have a sanitary permit and uses it for such.

11. **Motion to enter into closed session.** – No Closed Session.

12. **Meeting Adjourned at 9:20 p.m. by Chairman Kirk Wilkins**

11 FEB 2016

Date of Approval

  
Planning Commission Chair  
Kirk Wilkins

  
Nicolette Fike, Deputy City Recorder

