



Planning Commission Meeting

Thursday, February 11, 2016

Meeting held at the Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs

AGENDA

One or more members of the Commission may participate electronically in this meeting.

PLEASE NOTE: The order of the following items may be subject to change with the order of the planning commission chair.

Commencing at 6:30 P.M.

1. Pledge of Allegiance.
2. Roll Call.
3. Public Input – Time has been set aside for any person to express ideas, concerns, comments, questions or issues that are not listed on the agenda. Comments are limited to three minutes.
4. Public Hearing: Code Amendments to Section 19.08 - Home Occupations – Presented by Kimber Gabryszak
5. Work Session: Rezone, General Plan Amendment, and Concept Plan for Grandview Commons, Mountain Valley Ventures, LLC, applicant - Presented by Kara Knighton
6. Work Session: Code Amendments for Mixed Waterfront – Presented by Kimber Gabryszak and Kara Knighton
7. Work Session: Discussion of Code and Vision. Presented by Kimber Gabryszak
8. Approval of Minutes:
 - a. January 28, 2016.
9. Reports of Action
10. Commission Comments
11. Director's Report:
 - a. Council Actions
 - b. Applications and Approval
 - c. Upcoming Agendas
 - d. Other
12. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, the deployment of security personnel, devices or systems or the physical or mental health of an individual.
13. Adjourn.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.

Planning Commission Staff Report

Code Amendments

19.08 – Home Occupations

Thursday, February 11, 2016

Public Hearing

Report Date:	Thursday, February 4, 2015
Applicant:	Staff and Planning Commission Initiated
Previous Meetings:	PC Work Session 1/14/2016 and 1/28/2016
Land Use Authority:	City Council
Future Routing:	Public hearing(s) with City Council
Author:	Kimber Gabryszak, Planning Director

A. Executive Summary:

The term “Home Occupations” refers to home based businesses. Due to several recent Home Occupation applications and public hearings, the Planning Commission has expressed interest in revising the Home Occupation standards in the City to further streamline the process for simple Home Occupations, and more appropriately address impacts of more impactful Home Occupations. This packet outlines the resulting changes to “Chapter 19.08. Home Occupations.”

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing, take public comment, discuss the proposed amendments, and vote to forward a positive recommendation to the City Council on all or some of the amendments with or without modifications, as outlined in Section H of this report.

- B. Background:** The City has been working for the last several years to adopt amendments to the Land Development Code to improve transparency, increase consistency, close loopholes, increase standards, and remove contradictions.

Additionally, the business community, development community, staff, Planning Commission, and City Council have expressed concern over the often lengthy application review process, and have set a goal of streamlining the application review process as the Code is improved.

Other issues been identified through the application of Code to development applications, in this case to Home Occupation Permits. Recent Home Occupation Permit applications have illustrated that first, the current level of review is not necessary for simple Home Occupations such as home offices, and second, that the standards for more impactful Home Occupations are vague and difficult to apply. The resulting changes propose to categorize Home Occupations by scope and impact, streamline the review for most Home Occupations, and better mitigate impacts to the surrounding neighborhood for larger scale Home Occupations.

C. **Specific Request:** The working language is attached as Exhibit 1 and a clean copy as Exhibit 2, and is summarized below:

- Categorize Home Occupations in three classes based on size and impact.
- Allow Class 1 (the least impactful) Home Occupations to be approved simply through a business license.
- Broaden the definition of Class 2 Home Occupations, and allow these to be approved administratively by Staff.
- Require Class 3 (the most impactful) to have a public hearing with the Planning Commission.
- Add and clarify currently vague standards, particularly for Class 3 Home Occupations.

D. **Process:** Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.

Complies. There is no application as this is Staff initiated, and is being presented to the Commission for a recommendation.

2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.

Complies. Please see Sections F and G of this report.

3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.

Complies. Please see Section E of this report. After the Planning Commission recommendation, a public hearing will be held with the City Council.

4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.

Complies. Please see Section E of this report.

E. **Community Review:** Per Section 19.17.03 of the City Code, this item has been noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required. A public hearing with the City Council will be scheduled and noticed prior to final action.

F. **General Plan:**

Land Use Element – General Goals

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, enhance economic development, and implement ordinances and guidelines to assure quality of development.

Staff conclusion: consistent

General changes: the proposed changes help to improve transparency and consistency by clarifying standards and removing ambiguity, and enhance economic development through ability of homeowners to operate home based businesses.

G. Code Criteria:

Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan;
Consistent. See Section F of this report.
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
Consistent. The amendments enable more economic growth in the city, while both keeping and enhancing regulations that protect the health, safety, convenience, morals, or general welfare of the public.
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
Consistent. The stated purposes of the Code are found in section 19.01.04:
 1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally, and in particular to:
 - a. encourage and facilitate the orderly growth and expansion of the City;
 - b. secure economy in governmental expenditures;
 - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
 - d. enhance the economic well-being of the municipality and its inhabitants;
 - e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
 - f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
 - g. stabilize and conserve property values;

- h. encourage the development of an attractive and beautiful community; and
- i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

The amendments improve the ability of homeowners to operate home based businesses, which help to enhance the economic well-being of the municipality and its inhabitants; and helps to clarify the process and improve efficiency and consistency in review of home businesses, thus ensuring economy in government expenditures by lessening the cost of application review; and helps maintain a high standard of review and quality development through improved clarity of standards.

- 4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

Consistent. *The amendments will better protect the community through more efficient process, clarity and consistency in home business review, enhancement of homeowner ability to operate home businesses, and maintenance of high standards.*

H. Recommendation / Options:

Staff recommends that the Planning Commission conduct a public hearing, take public comment, discuss the proposed amendments, and vote to forward a positive recommendation to the City Council on the amendments with or without modifications, or choose from the alternatives below.

Staff Recommended Motion – Positive Recommendations

The Planning Commission may choose to forward a **positive recommendation** on all or some of the amendments, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to forward a **positive** recommendation to the City Council for the proposed amendments to Section 19.08. Home Occupations with the Findings and Conditions below:

Findings:

- 1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
- 2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
- 3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.
- 4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

Conditions:

- 1. The amendments shall be edited as directed by the Commission: _____
 - a. _____
 - b. _____
 - c. _____

Alternative A – Continuance

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Section 19.08. Home Occupations of the Code to the February 25, 2016 meeting, with the following direction on additional information needed and/or changes to the draft:

Alternative B – Negative Recommendation(s)

Vote to forward a **negative** recommendation to the City Council for all or some of the proposed Code amendments.

Motion: “Based upon the evidence and explanations received today, I move to forward a **negative** recommendation to the City Council for the proposed amendments to Section 19.08. Home Occupations of the Code with the Findings below:

Findings

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Commission: _____
2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Commission: _____
3. _____
4. _____
5. _____

I. Exhibits:

1. 19.08 – working copy (pages 6-9)
2. 19.08 – clean copy (pages 10-13)

Chapter 19.08. Home Occupations.

Sections:

- 19.08.01. Purpose.**
- 19.08.02. Categories**
- 19.08.03. Performance Standards.**
- 19.08.0304. Approval Process.**
- 19.08.0405. Noncompliance.**

19.08.01. Purpose.

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in **single family dwellings** only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

19.08.02. Categories.

- 1. Class 1: A Home Occupation that:**
 - a. consists only of an office use or similar, and
 - b. does not receive patrons, customers, clients, or students, and
 - c. does not increase the number of deliveries to the home, and
 - d. does not increase odors or noise, and
 - e. does not have any on-premise employees that are not members of the resident family or household.
- 2. Class 2: A Home Occupation that:**
 - a. receives between one and eight total patrons, customers, clients, deliveries, or students per day, or
 - b. has up to two on-premise employee that is not a member of the resident family or household, or
 - c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.
- 3. Class 3: A Home Occupation that:**
 - a. receives more than eight total customers, clients, or students per day.

19.08.0203. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of the property. All Home Occupations may be allowed if approved and in compliance with the

terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. Dwelling Type.

a. Class 1 and 2 Home Occupations Class are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.

b. Class 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.

2. Floor Area. A Home Occupation may be located in any single family dwelling, or an accessory building to such a dwelling, but shall not occupy or use more than ~~one-third~~40% of the finished square footage of the dwelling ~~in any 24-hour period~~at any given time, not including entrances and hallways.

3. Prohibited Uses, Restaurants, and Any uses in Section 19.04.07, which that are solely permitted or conditional uses in the Office Warehouse and Industrial Zones, are prohibited as Home Occupations.

2.4. Building and Fire Codes. A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.

3.5. Employees. Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.

4.6. Parking. Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.

5.7. Outdoor Storage. Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.

6.8. Outdoor Activity. Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.

7.9. Signs. A Home Occupation may display a ~~nameplate sign~~ attached to the home not exceeding four square feet ~~solely for the purpose of identifying the occupation.~~ The design and placement of a proposed sign must receive approval ~~from the Planning Commission or City Staff~~per Chapter 19.18. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

~~8-10.~~ **Hours of Operation.** Class 2 and 3 Home Occupations that receive customers, clients, or students shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m..

~~9-11.~~ **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.

~~10-12.~~ **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.

13. Retail Sales. Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.

~~11-14.~~ **Capacity.** Class 3 Home Occupations shall not exceed ten patrons, customers, clients, or students at any one time.

~~12-15.~~ **Traffic and Utilities Use.** The Class 1 Home Occupation shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.

~~13-16.~~ **Business License.** A business license is required for all Home Occupations.

~~14-17.~~ **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

19.08.0304. Approval Process.

1. Home Occupations may be approved by the Planning Commission or City staff. Class 1 applicants are not required to obtain a Home Occupation Permit, only a business license. All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.

2. Decisions regarding Class 2 Home Occupations are made by the Planning Director.

a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Director may approve the application, approve the application with conditions, or deny the application.

Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process. City Staff is delegated the authority to consider and issue Home Occupation permits. However, the applicant shall follow the process for considering a conditional use permit (except that the Planning Commission acts as the land use authority) if:

the Home Occupation will result in an increase in traffic caused by more than five patrons, customers, vendors, or employees visiting the Home Occupation via automobiles or motorized vehicles on a daily basis;

the Home Occupation will create a nuisance, as defined in Title 10 of the City Code; or more than five customers or vendors will visit or patronize in person the Home Occupation per day whether by foot traffic or motorized vehicles.

3.

1. **Planning Commission Review:**

b.a. The Planning Commission shall review the Home Occupations and determine whether they are it is in full compliance with performance standards of this Chapter. The Planning Commission is required to hold a public hearing. After conducting a public hearing and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

19.08.0405. Noncompliance.

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City staff or the planning commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

Chapter 19.08. Home Occupations.

Sections:

- 19.08.01. Purpose.**
- 19.08.02. Categories**
- 19.08.03. Performance Standards.**
- 19.08.04. Approval Process.**
- 19.08.05. Noncompliance.**

19.08.01. Purpose.

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in **dwelling**s only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

19.08.02. Categories.

- 1. Class 1: A Home Occupation that:
 - a. consists only of an office use or similar, and
 - b. does not receive patrons, customers, clients, or students, and
 - c. does not increase the number of deliveries to the home, and
 - d. does not increase odors or noise, and
 - e. does not have any on-premise employees that are not members of the resident family or household.

- 2. Class 2: A Home Occupation that:
 - a. receives between one and eight total patrons, customers, clients, deliveries, or students per day, or
 - b. has up to two on-premise employee that is not a member of the resident family or household, or
 - c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.

- 3. Class 3: A Home Occupation that:
 - a. receives more than eight total customers, clients, or students per day.

19.08.03. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of the property. All Home Occupations may be allowed if approved and in compliance with the

terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. Dwelling Type.

- a. Class 1 and 2 Home Occupations Class are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.
- b. Class 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.

2. Floor Area. A Home Occupation shall not occupy or use more than 40% of the finished square footage of the dwelling at any given time, not including entrances and hallways.

3. Prohibited Uses. Restaurants, and any uses in Section 19.04. that are solely permitted or conditional uses in the Office Warehouse and Industrial Zones, are prohibited as Home Occupations.

4. Building and Fire Codes. A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.

5. Employees. Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.

6. Parking. Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.

7. Outdoor Storage. Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.

8. Outdoor Activity. Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.

9. Signs. A Home Occupation may display a sign attached to the home not exceeding four square feet. The design and placement of a proposed sign must receive approval per Chapter 19.18. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

10. Hours of Operation. Class 2 and 3 Home Occupations shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m..

11. **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.
12. **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.
13. **Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.
14. **Capacity.** Class 3 Home Occupations shall not exceed ten patrons, customers, clients, or students at any one time.
15. **Traffic and Utilities Use.** Class 1 Home Occupation shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.
16. **Business License.** A business license is required for all Home Occupations.
17. **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

19.08.04. Approval Process.

1. Class 1 applicants are not required to obtain a Home Occupation Permit, only a business license. All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.
2. Decisions regarding Class 2 Home Occupations are made by the Planning Director.
 - a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Director may approve the application, approve the application with conditions, or deny the application.
3. Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process.
 - a. The Planning Commission shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The

Planning Commission is required to hold a public hearing. After conducting a public hearing and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

19.08.05. Noncompliance.

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City staff or the planning commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

Planning Commission Memorandum

Author: Kara Knighton, Planner I
Memo Date: Thursday, February 4, 2016
Meeting Date: Thursday, February 11, 2016
Re: Grandview Commons Rezone, General Plan Amendment, and Concept Plan

Background & Request

The applicant is requesting approval of a General Plan Amendment and Rezone to change the designations and zones of the property to Regional Commercial (RC), Neighborhood Commercial (NC), and Medium Density Residential (R-10).

The applicant is requesting the RC zone at the southwest corner of Redwood Road and Grandview Boulevard for a gas station/ convenience store. Immediately south of the proposed RC zone is the proposed NC zone for a variety of nonresidential uses not yet specified. The remainder of the 7.5 acre parcel is proposed as R-10; while the applicant is requesting a residential zone that permits multi-family development, the applicant is requesting the zone only to enable smaller single family lots. As proposed, the smallest lot would be 5,000 sq. ft. and the largest lot would be 13,235 sq. ft. The overall density of the residential development would be ~4.25 units per acre.

Open Space/ Landscaping

As proposed, each use is currently short in its open space/ landscaping requirements. The R-10 and RC zones require 20% open space/ landscaping, while the NC zone requires 25% of the parcel to be landscaping, however the overall proposed open space is 10%. The canal is considered sensitive lands and may only comprise 50% of the open space requirement for the residential development.

Access

Lake View Terrace Road is currently not a public road. A road dedication was required with a previous development but was never finalized; this dedication must be done in order to provide a secondary access to the residential lots, or proof of access easement provided.

Traffic

The proposal includes full access from Lake View Terrace Road, a right-in right-out on Grandview Blvd., and potential full access on Redwood Road pending UDOT approval. Traffic at Grandview and Redwood has been of significant concern in recent months; the applicant intends timing of their development to occur along with the widening of Redwood. A traffic study will be provided with any future plat and site plan applications, and other traffic mitigation may be required.

Recommendation

Staff recommends that the Planning Commission review and discuss the proposal and give the applicant informal feedback on the proposed rezone, General Plan amendment, and concept plan.

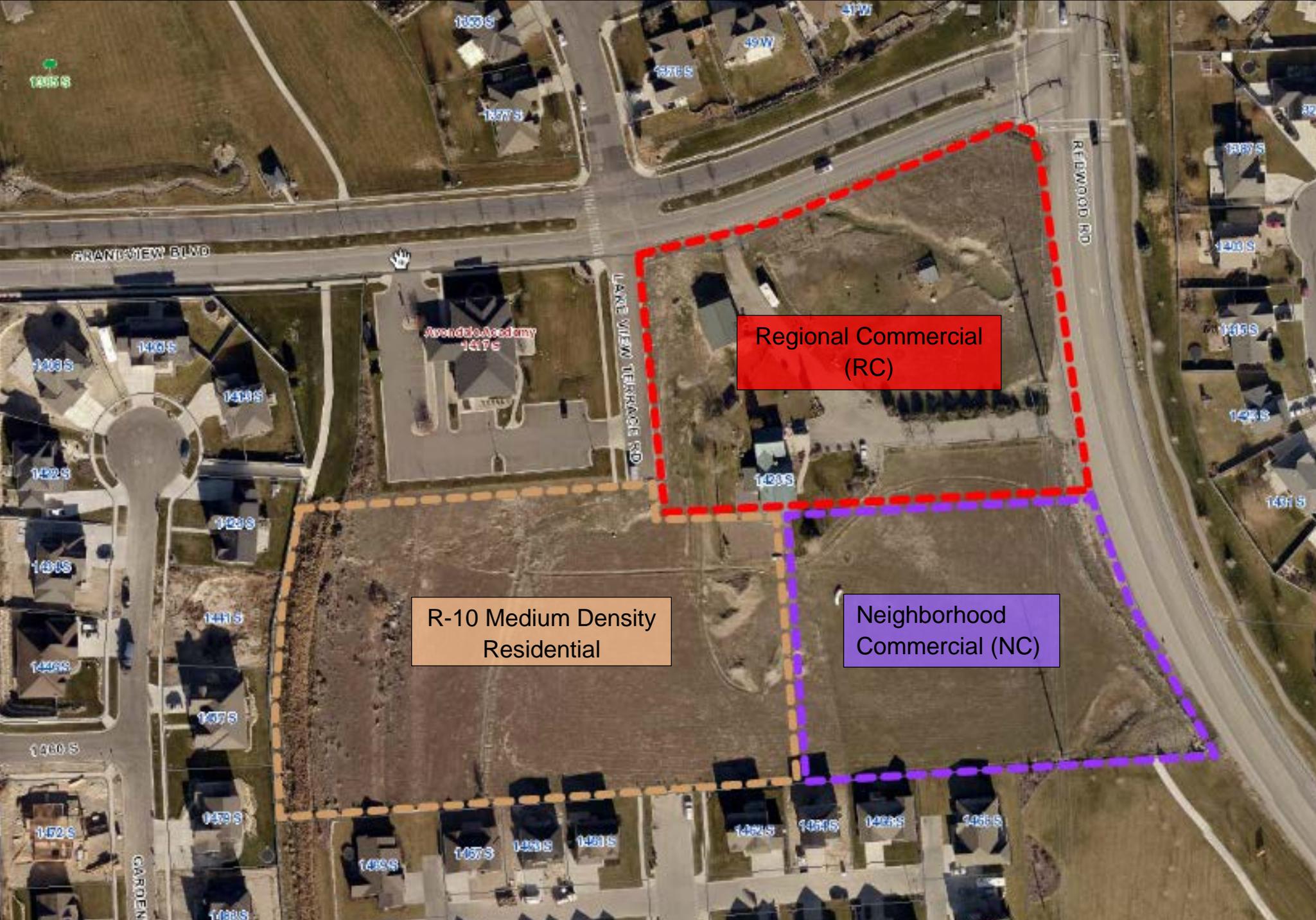
Attachments

A. Related Exhibits

Aerial



Proposed Zones



Regional Commercial
(RC)

R-10 Medium Density
Residential

Neighborhood
Commercial (NC)

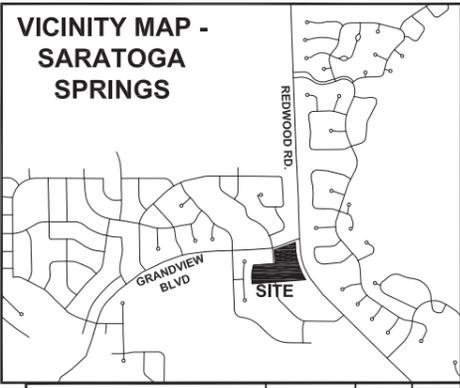
GRANDVIEW COMMONS

Located in the Southwest of Section 35,
Township 5 South, Range 1 West, Salt Lake
Base and Meridian
1423 South Redwood Road, Saratoga Springs,
Utah County, Utah

SYMBOL LEGEND:		SYMBOL LEGEND:	
	SEWER MANHOLE		SECTION LINE
	SD MANHOLE		BOUNDARY LINE
	WATER VALVE		ADJACENT PROPERTY
	WATER METER		FENCE LINE
	FIRE HYDRANT		SEWER LINE
	IRR. VALVE		WATER LINE
	LIGHT POLE		STORM DRAIN LINE
	POWER POLE		ELECTRICAL LINE
	IRR. CONT. VALVE		PRESSURIZED IRRIGATION



Curve #	Radius	Length	Delta	Chord Direction	Chord
C1	15.00'	4.30'	16.44	S77° 26' 00"W	4.29'
C2	15.00'	23.31'	89.04	N49° 49' 45"W	21.03'
C3	55.00'	47.48'	49.46	S72° 10' 05"W	46.02'
C4	15.00'	5.70'	21.78	S58° 19' 36"W	5.67'
C5	55.00'	49.78'	51.86	N57° 10' 18"W	48.10'
C6	55.00'	49.78'	51.86	N5° 18' 37"W	48.10'
C7	55.00'	49.78'	51.86	N46° 33' 04"E	48.10'
C8	55.00'	54.18'	56.45	S79° 17' 44"E	52.02'
C9	15.00'	23.81'	90.96	N40° 10' 15"E	21.39'
C10	15.00'	16.68'	63.71	S62° 29' 29"E	15.83'
C11	55.00'	19.62'	20.44	S40° 51' 14"E	19.52'
C12	1131.48'	297.22'	15.05	N23° 45' 05"W	296.37'
C13	1131.48'	322.60'	16.34	N8° 03' 30"W	321.51'
C16	1131.48'	619.82'	31.39	S15° 35' 01"E	612.10'



TABULATION TABLE	SQ.FT.	AC.	%
TOTAL AREA	330,500	7.59	100
14 RESIDENTIAL LOTS	100,434	2.31	30
2 COMMERCIAL LOTS	164,570	3.78	50
OPEN SPACE	34,085	0.78	10
R.O.W.	31,411	0.72	10

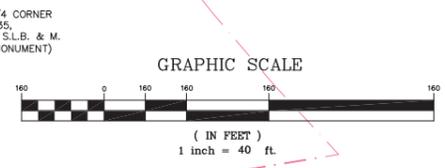
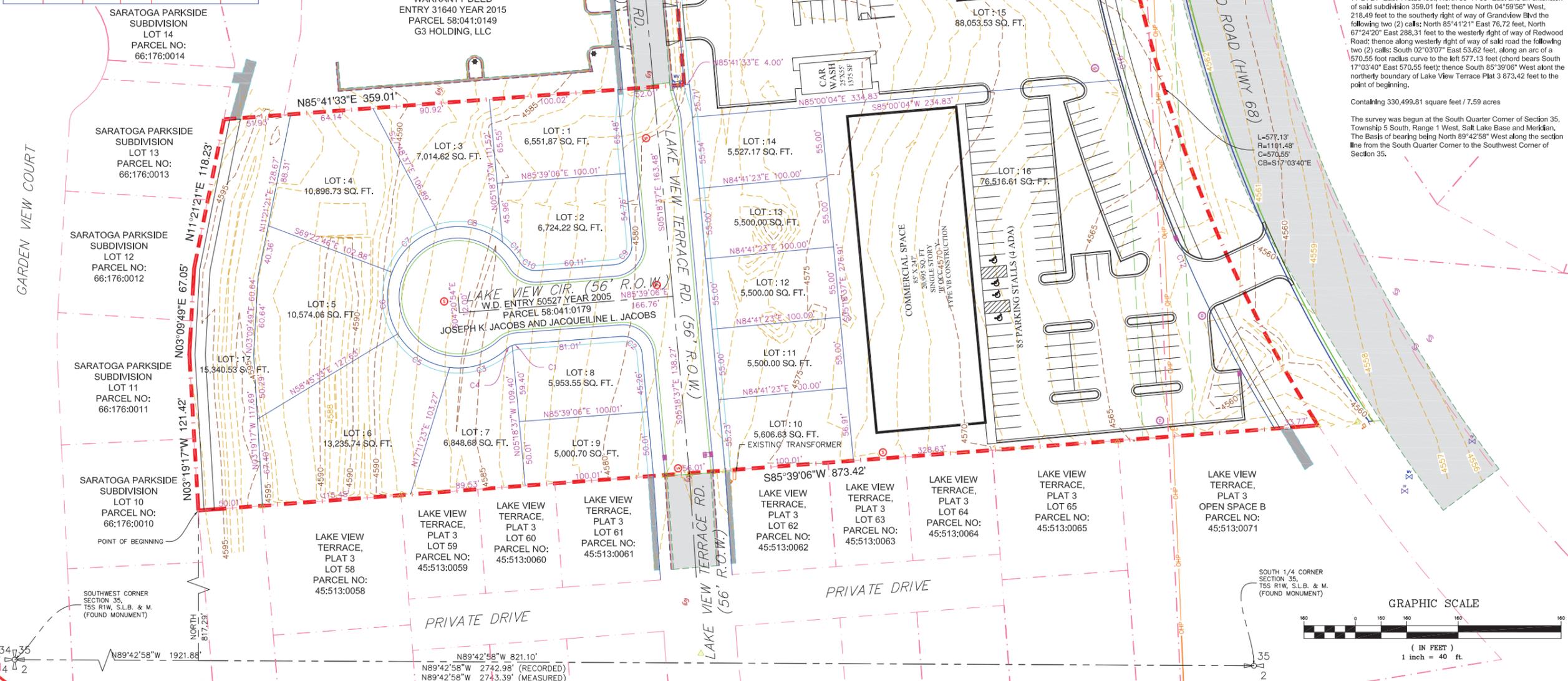
RESIDENTIAL MAX LOT	13,236
RESIDENTIAL MIN LOT	5,500
RESIDENTIAL AVE. LOT	6,696

BOUNDARY DESCRIPTION:

Commencing at a point located North 89°42'58" West along the section line 821.10 feet and North 817.29 feet from the South Quarter Corner of Section 35, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence along the easterly boundary of Saratoga Parkside Subdivision the following four (4) calls: North 03°19'17" West 121.42 feet, North 03°09'49" East 67.05 feet, North 11°21'21" East 118.23 feet, North 85°41'33" East and an extension of said subdivision 359.01 feet; thence North 04°59'56" West, 218.49 feet to the southerly right of way of Grandview Blvd the following two (2) calls: North 85°41'21" East 76.72 feet, North 67°24'20" East 288.31 feet to the westerly right of way of Redwood Road; thence along westerly right of way of said road the following two (2) calls: South 02°03'07" East 53.62 feet, along an arc of a 570.55 foot radius curve to the left 577.13 feet (chord bears South 17°03'40" East 570.55 feet); thence South 85°39'06" West about the northerly boundary of Lake View Terrace Plat 3 873.42 feet to the point of beginning.

Containing 330,499.81 square feet / 7.59 acres

The survey was begun at the South Quarter Corner of Section 35, Township 5 South, Range 1 West, Salt Lake Base and Meridian. The Basis of bearing being North 89°42'58" West along the section line from the South Quarter Corner to the Southwest Corner of Section 35.



A.L.M. & Associates, Inc.
Engineering · Surveying · Development · Planning
2230 North University Parkway, Building 6D, Provo, Utah 84604 ph: (801) 374-6262

Grandview Commons
Mountain Valley Ventures, LLC
CONCEPT - SITE PLAN

No.	Revision	Date

1
OF 2 SHEETS
Proj # 519-1793

CONSTRUCTION OF THIS PLAN AND THE INFORMATION HEREON IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR'S FIELD NOTES AND RECORDS. THE SURVEYOR HAS CONDUCTED A VISUAL GENERAL CHECK OF THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR'S FIELD NOTES AND RECORDS. THE SURVEYOR HAS CONDUCTED A VISUAL GENERAL CHECK OF THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR'S FIELD NOTES AND RECORDS.



PLANNING COMMISSION Staff Report

Mixed Waterfront Zone Overhaul Thursday, February 11, 2016 Public Meeting (WS)

Report Date:	February 4, 2016
Previous Meetings:	PC PH (8/27/2015) CC PH (10/6/2015) CC WS (11/17/2015)
Land Use Authority:	City Council
Author:	Kara Knighton, Planner I

A. **Executive Summary:**

The Mixed Waterfront zone is intended to create a vibrant community by allowing for a wide range of land uses to take full advantage of the scenic and recreational opportunities of the waterways surrounding Saratoga Springs.

While the Mixed Waterfront zone provides general guidelines and standards for development, as currently written the zone fails to place adequate requirements to protect the environment and wildlife, while not sufficiently incentivizing the type of development that will encourage and provide public interaction with the waterfront. As Saratoga Springs continues to grow, the City must be more proactive in protecting its resources including recreational opportunities for the residents and the general public.

B. **Background:**

The Mixed Lakeshore Land Use Designation was created in 2005, and the Mixed Lakeshore (ML) Zone in 2013.

Since its adoption, the ML zone has not been utilized anywhere in the City, with developers choosing instead to pursue low density residential development. The zone has the potential to be an amenity to the City and its residents as it highlights the natural resources the area has to offer; it is not an amenity the City can afford to lose.

In the General Plan the Mixed Lakeshore is to “accommodate a wide range of land-uses so long as those land-uses are combined and arranged to create destination oriented developments that take full advantage of the scenic and recreational opportunities . . .” To further these goals, and

to create guidelines for development along the Jordan River in addition to Utah Lake, in 2015 the name was changed to Mixed Waterfront (MW).

During this process, staff was encouraged to contact other municipalities that abut a river and/or lake, especially those that have experienced success through their regulations.

Through research and discussion, staff identified several cities throughout Idaho, Oregon, and Washington to visit. In each city, staff met with city officials and staff members to discuss where they started, how the trails and amenities developed, and what has worked-not worked along their various waterways. Among the cities visited Boise, Spokane, Coeur d'Alene, and Richland were of greatest interest and value. Boise was chosen due to its proximity to the Boise River. Richland is bordered by the Columbia River to the east and the Yakima River to the West offering development scenarios for both large and small scale bodies of water. The Spokane River runs through the heart of Spokane offering various types of development from commercial to residential. The Spokane River also runs along the southwest part of Coeur d'Alene until it empties into Lake Coeur d'Alene at the southern end of the City, similar to Saratoga Springs' situation.

Following that trip staff presented their findings to the City Council on November 17, 2015 with several key takeaways for a successful waterfront, including the following:

1. Involve multiple key agencies with a shared goal.
2. Involve a biologist
3. Preserve continuous swatches of land
4. Preserve vegetation
5. Ensure permeable building orientation
6. Ensure access to the waterway
7. Include un-programmed space
8. Provide wider trails
9. View trails as an asset
10. Consider first floor parking and other creative solutions
11. Know that historically it is possible to undo what has been done wrong(e.g. canal turned back into a river)

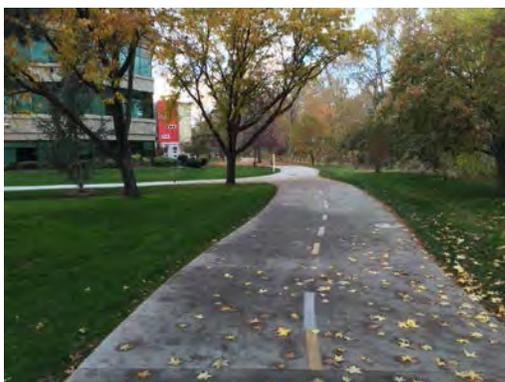
Minutes from the November 17, 2015 Council meeting are attached. Since that time staff has reviewed each visited City's code and identified key aspects that should be considered when addressing the two waterfronts in Saratoga Springs.

C. **Key Example Code Sections**

For the convenience of the PC and CC, quotes from the applicable City ordinances are in italics.

Boise

The code sections below outline Boise's river and riparian setbacks as well as general standards for landscaping, screening, and access along the river and its corresponding banks and trails. The setbacks and standards provide guidelines for development along the Boise River. Similar principles should be applied along the Jordan River.



“(1) Boise River Setback

The setback for structures and parking areas is 70 feet from the 6500 c.f.s. line of the Boise River or 5 feet from the boundary of all dedications or easements granted to the City for greenbelt purposes in excess of 65 feet.

(2) Greenbelt Setback

The greenbelt setback for structures and parking areas is 70-foot measured landward from the 6500 c.f.s. setback line.”

<http://cityclerk.cityofboise.org/media/262806/11-entire.pdf>



“(5) Riparian Setback

(a) Tier 1 Waterway

A side channel with a width of less than 15 feet or with a flow of less than five c.f.s. shall have a riparian setback of 20 feet.

(b) Tier 2 Waterway

A side channel at least 15 feet wide or with a flow of between 5 to 150 c.f.s. shall have a riparian setback of 25 feet.

(c) *A minimum of 15 feet shall be maintained between the riparian setback and structures to allow for lawns and patios.”*

<http://cityclerk.cityofboise.org/media/262806/11-entire.pdf>



Staff analysis: As the Riparian setback is for side channels, which are smaller than the Boise River the corresponding setbacks may be more appropriate for the Mixed Waterfront than the Boise River setbacks.



“(e) Greenbelt Access

Developments shall provide public access to the Boise River greenbelt and public parking for bicycles and motor vehicles.

(f) Landscaping

Landscaping shall utilize native or naturalized plant materials that provide wildlife food and shelter. Manicured landscaping and lawns prohibited in Class A lands and in riparian areas and setbacks.



(g) Bank and Channel

Bank or channel stabilization measures (e.g., rip-rap, drop structures, large cobble) shall include over-planting with shrubs and trees and the deliberate enhancement of fish habitat.

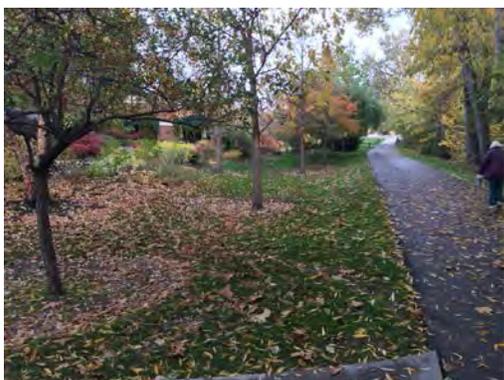
(h) Screening Requirements

- i. Structures shall be screened from view from the Greenbelt and the river with landscaping that will grow to a height of at least 20 feet within ten years.*
- ii. Parking areas located between the structure and the Boise River shall be screened from view by landscaping or decorative fencing at least five feet in height.*
- iii. Appropriate landscaping should be utilized to screen habitat areas from new development.*

(i) Construction Fencing

Fencing shall be installed where construction activities abut a riparian area."

<http://cityclerk.cityofboise.org/media/262806/1-entire.pdf>



Staff analysis: The development standards above are part of Boise's "Waterways Overlay District(s)" that provide guidelines for all development along the banks of the Boise River- not just development within a specific zone.

Staff recommends consideration of setbacks similar to the Riparian Setbacks above, but would prefer not to fully screen parking lots and structures from the river/lake.

Full screening may make it less inviting to the general public; however, without any type of vegetative screening between the parking lot and the river the area will become unappealing. Some screening would be appropriate to protect the waterway, therefore staff recommends consideration of a mixture of fencing, berming, and landscaping, with some unscreened areas where appropriate.

Richland

Richland has both a waterfront zone as well as four environmental overlay districts. The waterfront zone is applied mainly along the Columbia River; however, the environmental overlay districts are present mainly along the Yakima River. The waterfront zone regulates density, lot width, building height, and minimum dwelling size. The environmental overlay districts address setbacks, access and circulation, building height, and parking. Staff recommends a similar

approach, with both an overlay along the entirety of the river and lakeshore, and a waterfront zone.



“D. Waterfront. It is the intent of this section that:

1. Uses should be oriented primarily to the waterfront and secondarily to the public street to facilitate public access to the waterfront; and
2. Public pedestrian access shall include clearly marked travel pathways from the public street through parking areas to primary building entries.”

<http://www.codepublishing.com/WA/Richland/>
Chapter 23.22.020 (4).

Staff analysis: Primary building entrances oriented to the waterfront encourage trail users while a secondary entrance from the street ensures those accessing the building by car are still accommodated. The orientation creates an inviting atmosphere that provides for greater safety along the trail as people come and go from the building.

Waterfront Zone

The Waterfront Use District is a commercial and residential zone that provides for the establishment of uses including resort motel and hotel facilities, marinas, offices, and multifamily uses which are consistent with waterfront oriented development.

Standard	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Minimum Lot Area	None	None	None	None	None	None	None	None
Maximum Density – Multifamily Dwellings (units/square feet)	1:1,500	N/A	N/A	N/A	None	1:1,500	N/A	N/A
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	N/A	N/A	30 feet	N/A	N/A
Minimum Front Yard Setback ¹⁴	20 feet	45 feet ¹	0 feet ²	0 feet ²	CBD, Parkway, Uptown Districts: 0 feet min. – 20 feet max. ^{3, 11, 13} Medical District: 0 feet min.	Note 4. ⁵	Note 4	20 feet
Minimum Side Yard Setback	0 feet ⁶	0 feet ⁷	None	None	0 feet ^{6, 8}	0 feet ^{6, 8}	0 feet	0 feet ^{6, 8}
Minimum Rear Yard Setback	0 feet ^{6, 8}	0 feet ⁷	None	None	0 feet ^{6, 8}	0 feet ^{6, 8, 10}	0 feet	0 feet ^{6, 8}
Maximum Building Height ¹⁴	55 feet	30 feet	80 feet	80 feet	CBD – 110 feet Medical – 140 feet Parkway – 50 feet Uptown – 50 feet	35/55 feet ¹²	35/55 feet ¹²	35 feet
Minimum Dwelling Unit Size (in square feet, excluding porches, decks, balconies and basements)	500 feet	N/A	N/A	N/A	500 feet	500 feet	N/A	N/A

<http://www.codepublishing.com/WA/Richland/>. Chapter 23.22.04.

Staff analysis: The standards chart above for Richland’s Waterfront zone shows a moderately dense zone with density primarily limited by height limitations. The minimum dwelling unit size is a way to ensure that living areas above retail and commercial are adequate and livable.

Summary of Richland’s Overlay Districts

The environmental overlays were created in part to help protect certain areas important to the Yakama Nation. The overlays work to balance development by preserving certain areas while allowing other areas to be fully developed. The four overlays outlined below consist of the Natural Environment, the Conservancy Environment, the Rural Environment, and the Urban Environment.

	Natural Environment	Conservancy Environment	Rural Environment	Urban Environment
Building Location & Setbacks	No buildings allowed (except as indicated on use chart)	100’	100’	Located in a manner as to not alter or restrict public access or circulation along the shoreline.
Building Height	No buildings allowed (except as indicated on use chart)	16’(may be 35’ when there are overriding public interest considerations)	25’	35’(may be 55’ based on Commission findings)
Access & Circulation	Severely restricted & limited to non-motorized penetration	Maximum public access, with minimum disruption of sensitive natural resources	Public access roads and easements to public shoreline recreation areas	Public access roads and easements including bicycle or hiking paths.
Parking	Activities which may degrade the potential value of the natural environment are prohibited	Reasonable size for the use, but effort made to tone down the scale and to utilize native shrubs and trees	Required off-street parking shall be provided	Located only on the inland side of the proposed use.

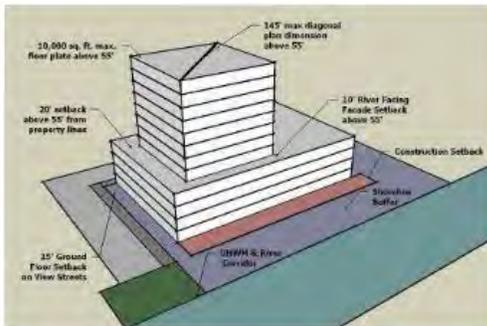
<http://www.codepublishing.com/WA/Richland/>. Title 26.01 to 26.17.

Staff analysis: To address a variety of differing needs, Richland’s environmental overlays provide a range of areas from those that may be fully developed and those that are restricted in their uses. For Saratoga Springs, the purpose behind each overlay may be achieved through development standards and guidelines with one single overlay. For example the natural

environment may be protected by buffers, setbacks, and by clustering developments to preserve open space.

Spokane

Spokane's development standards below address larger buildings and the impacts they have on both visual and pedestrian access to and from the waterfront. The pedestrian experience is also addressed through building articulation and setback standards for taller buildings. While the standards are specifically written for larger buildings the same principles may be applied to smaller scale structures.



Shoreline Tall Building Standards

"B. The following Standards shall apply to buildings and structures over fifty-five feet tall.

1. *Upper Story Setback.
All floors above fifty-five feet shall be set back from all street lot lines and property lines a minimum of twenty feet.*
2. *Maximum Floor Area per Floor.
All floors above fifty-five feet shall have a maximum floor area of ten thousand square feet. The floor area shall be measured from the inside face of the outside wall.*
3. *Setback for Upper Floors from River Facing Lower Story Facades.
River facing facades of all floors above fifty-five feet shall be set back a minimum of ten feet from all floors below fifty-five feet.*
4. *Maximum Tower Dimension and Tower Orientation for Floors Above Fifty-five feet.
All floors above fifty-five feet shall have a maximum diagonal plan dimension of one hundred forty-five feet.*

<https://my.spokanecity.org/smc/?Section=17E.060.750>

Staff analysis: Whether or not Saratoga Springs ever sees high-rise development, the concept of stepping a building back from the water as it gets taller is still appropriate and would enhance the user experience.

Site Coverage for Views and Ground Level Public Access

"A. Purpose

Views of the Spokane River shall be widely shared and not limited to adjacent properties. The intent of these standards is to ensure that new buildings and other constructed objects do not create barriers that wall off the river. The more restrictive standards of the underlying zone or this section shall apply.

B. Maximum Lot Coverage and Structure Width.

1. *The maximum lot coverage of all structures shall be seventy percent.*
2. *On sites with a width greater than one hundred twenty feet that is generally parallel to the river corridor, structures shall not be allowed to exceed seventy percent of the width of the site.*

C. Maximum Structure Width for Narrow Sites.

1. *On sites with an eighty to one hundred twenty foot width that is generally parallel to the river, structures shall not be allowed to exceed eighty feet or seventy percent of the width of the site, whichever is greater.*
2. *On sites with a width of less than eighty feet that generally runs parallel to the river, structures shall not be required to comply with subsection (B)(1) and (C)(1)."*

<https://my.spokanecity.org/smc/?Section=17E.060.760>

Staff analysis: Lot coverage is normally addressed within each zone; however, limiting how much width a structure may occupy in relation to the lot size is another good way to protect pedestrian and visual corridors to the waterways and paths for both safety and visibility. The language about views being widely shared is consistent with the Saratoga Springs City General Plan goal of taking advantage of the scenic and recreational opportunities provided by the lake and river.



Building Articulation

"B. Building facades exceeding fifty feet shall be visually separated into smaller units through the use of offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs, and other elements of the building's mass. Simply changing materials or color is not sufficient to accomplish this.

C. Articulation shall be provided along facades visible from streets, as well as from the shoreline."

<https://my.spokanecity.org/smc/?Section=17E.060.780>

Staff analysis: Building articulation creates visual interest while providing a pedestrian friendly atmosphere; long, plain, and uninterrupted expanses of walls are uninviting and unappealing.



Pedestrian Views and Access for Large Buildings

"B. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor.

C. The visual and pedestrian penetration shall not be less than thirty feet wide and shall meet the requirements of SMC 17E.060.290,

Physical and Visual Access, and Article VIII, Design Standards and Guidelines Specific to Shoreline Districts."

<https://my.spokanecity.org/smc/?Section=17E.060.790>

Staff analysis: Clear visual and pedestrian corridors play a large role in safety as view of the trail and waterfront user is not blocked by a large horizontal building; the requirement that the opening be no less than thirty feet wide is of utmost importance to achieve this goal.

Coeur d'Alene

Coeur d'Alene's Shoreline district boundary description below is clear, simple, and easily measured. As there is only one overlay district a similar approach may be desirable for the Jordan River and Utah Lake.



District Boundary Defined

"A. These shoreline regulations shall apply to all property located within one hundred fifty feet (150') of the shoreline of Lake Coeur d'Alene and the Spokane River."

http://www.sterlingcodifiers.com/codebook/index.php?book_id=603&chapter_id=64770

Staff analysis: The 150' buffer area may seem excessive for a smaller waterway such as the Jordan River; however, when one considers the rivers meander corridor 150' is perhaps

appropriate. The Coeur d'Alene buffer also aligns with the Jordan River Commission's Best Practices for Riverfront Communities, which recommends buffers ranging from 50' to 200' depending on the specific community.

Other Takeaways



Bicycle Repair station

The small repair station is provided in increments along the Boise greenbelt. It includes a tire pump, wrenches, and two bars on the top to raise the bicycle off the ground for easy repair. The repair station encourages bicycle use as it provides peace of mind that breakdowns will not result in a length walk and can quickly be resolved on the trail.



Drinking fountain with water bottle refilling station

The drinking fountain combined with a water bottle refilling station encourages the reuse of water bottles and may limit litter.



Information & Dog Waste

Dog Waste -The thin pole on the left is part of the pooper-scooper program; the pole dispenses used grocery bags. Passers-by can drop off their used grocery bags and dog owners then use those bags to clean up after their dogs. This removes the expense of buying doggie bags as seen in other parks.

Information -The short sign in the middle is the Greenbelt's code of conduct. The sign contains information such as that no alcohol allowed on the trail, the types of allowed forms of transportation (bicycles, etc.), that pedestrians have the right-of-way, and that dogs must be on a leash. The sign on the right is a map of the Greenbelt trail and the surrounding parks and street crossings.



Put-ins/Take-outs

There are various types of put-ins including beach, floating launches, and pipe launches. The put-ins/take-outs allow for easy access to the water while defining a pedestrian corridor which preserves other areas from pedestrian traffic.

D. Code Recommendations:

In order to effectively apply these development standards and principles, staff proposes that in addition to the MW zone, a buffer/overlay around the Jordan River and Utah Lake be considered.

The MW zone would regulate density, height, internal building setbacks, layout, lot sizes, allowed uses, etc., while the overlay would regulate pedestrian access and experience, river and riparian setbacks, building articulation, trail standards, and so forth.

MW Zone

- Internal building setbacks
- Building height
- Minimum lot and dwelling sizes
- Density
- Allowed uses (commercial, residential, mixture)

Buffer Overlay

- River and riparian setbacks
- Pedestrian access & experience
- Building articulation
- Trail regulations and standards

Guiding principles have been outlined by the Jordan River Commission’s Best Practices for Riverfront Communities. The recommendations outline best practices for land use, environment, and, recreation as described below.

Land Use

- Enhance river buffer
- Protect undisturbed areas
- Encourage clustered development to protect open space
- Encourage green site design and management practices
- Embrace the river as an amenity

Environment

- Increase habitat patch areas and complexity
- Increase habitat connectivity between patches
- Improve natural river function
- Improve bank stability

- Manage invasive and nuisance species
- Enhance connectivity between habitat patches
- Improve and restore native plant diversity

Recreation

- Provide river access where appropriate
- Locate trails to protect river and habitat
- Integrate active recreation that maintains river function and wildlife

Staff suggests that the recommendations provided by the Jordan River Commission also be considered and included within the MW zone and the buffer overlay, as appropriate.

E. Next Steps:

Staff is asking for feedback from both the Planning Commission (PC) and the City Council (CC) on the above recommendations, and input on any other items from the sample codes of PC/CC experience that should be included. Following discussion and direction from both the PC and the CC staff will begin drafting code for both the MW zone and, the buffer overlay.

Staff also suggests working with and sending code drafts to various state entities and university departments such as the Division of Fire, Forestry, and State Lands; the Jordan River Commission and the Utah Lake Commission; and university biology and ecology departments.

F. Attachments:

1. City Council 11/17/2015 minutes
2. Example Buffer Maps
3. Additional Photos

**City of Saratoga Springs
City Council Meeting
November 17, 2015**

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

Work Session Minutes

Present:

Mayor: Jim Miller

Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,
Kara Knighton

Others: Chris Porter, Holly Wade, Kayla Moss

Excused:

Call to Order – 5:45p.m.

1. Discussion of Mixed Lakeshore Amendments.

Kimber Gabryszak presented some key take-a-ways from their riverwalk tour. They started with Twin Falls and saw interesting things with docks. They saw some good ADA access areas. In Boise they noted the aggregate put-ins. (Councilwoman Call noted that Forestry Fire and State Lands would not let us pave to the river.) Most cities with successful areas had biologists involved. Some interesting features, large separations to create viable space. There was some innovative park space. Higher densities along the river but no huge open parking areas visible; the first floor is parking.

Councilwoman Baertsch attended a seminar on water conservation in Eagle Mountain and learned some things that will help. She will pass that information along.

Councilwoman Call would love to leverage things already done so we don't spend as much on biologists. Such as the blueprint Jordan River and Utah Lake Master plans. With the setbacks on restaurant area, consider low impact areas, to let certain uses encroach within the wide right-of-way area.

Mark Christensen had some great examples of narrow areas. Boise about 4 years ago was about what our Jordan River is today. They worked with the biologists and got plantings going and now they have a beautiful corridor.

Kimber Gabryszak noted that was a key take away, how they were much like us and worked up to this. She continued with the presentation. The parkway became a draw and they got better businesses to the area. We need to work with adjacent communities. She noted places where buildings were done before the amenity was in place.

Councilman McOmber commented on what could be done with front or back of buildings that may face the river.

Kimber Gabryszak said they are recommending the permeability, not necessarily a front door. They went to Pendleton. Open spaces in key locations help in usability. They stopped in Richland, They heard over and over to try to conserve as much of a consistent swath as they can.

Mark Christensen said they are doing a river front study that should be done in February that we will receive a copy of.

Kimber Gabryszak said they are purchasing property along the river and leasing to commercial for 99 years. In Spokane they had to do some reclaiming of property and had to do creative work to make it a functional river. There were a few examples of restaurants taking advantage of the riverfront.

Mark Christensen commented on a large sculpture/play feature that they may be able to take advantage of something similar.

Kimber Gabryszak said they found that on the wider trails they saw more usage. People felt safer and bikes and joggers and walkers could all fit. Make sure the trails are wide enough that as plants fill in they don't encroach so much. She noted more network trails in Coeur d'Alene. She noted a dog park, and to not do just dirt. A key item everyone said was to obtain as much waterfront as they could. Also, have un-programmed space next to programed space. It is possible to undo what has been done. In Bear Lake

54 they had homes going in long before they had access or trails and they are trying to recover access to the
 55 lake. Vegetation Preservation was needed. They need to find a balance between protecting the
 56 environment and allow access and usability. The trail is an asset that increases desirability for businesses.
 57 They can look at first floor parking and other creative solutions. They also had some key take-a-ways
 58 from City Offices and customer service such as meeting areas out front with kiosks that were convenient.
 59 Low counter type desks for people to sit while staff is helping them. Some other things were a River
 60 Walk bicycle repair stand, water fountains, bag recycle center to be reused as doggy dropping bags.
 61 Unique decorative usable features such as drains. Historical features and art was good. There was bike
 62 parking and adopt a tree programs. Next steps are to obtain copies of code from the good communities.
 63 Outline initial potential changes to Mixed Waterfront and potential changes to all waterfront
 64 development. Discuss these and other strategies during the Council Retreat. Schedule additional site
 65 visits as necessary in the spring. Move forward with adoption of Code amendments beginning in
 66 January.

67 Councilman McOmber would also encourage them to see San Antonio. They are probably the most
 68 successful. They really captured nice things and also generated revenue for the city. He thanked them for
 69 this and liked that we are creating relationships outside of Utah.
 70

71 2. Discussion of Open Space, Landscaping, and Trails Maintenance Policy

72 Kevin Thurman noted that we've had the need for a uniform policy for a while. It makes more sense to have
 73 this as Policy rather than Code because things change regularly and having to go through the process to
 74 change code takes a lot of time. Having something that City Council can approve that we administer that
 75 is flexible and can change with 24 hour notice makes more sense. This helps make things absolutely
 76 clear and closes loop holes. It discusses purposes that can guide policy.

77 Councilman Willden asked how do developers become aware of this as opposed to code and how binding
 78 would it be.

79 Kevin Thurman said it is binding; Council would adopt it by ordinance.

80 Mark Christensen said they would include it when they gave other material to developers.

81 Councilwoman Call asked about Regional Trails, she is concerned that they are forcing HOAs to take care of
 82 all of it. She wants there to be parks next to trails To If there are regional parks next to trails, that would
 83 enable the city to take care of the trails also, as they have done in the past.

84 Kevin Thurman said as staff it's hard to make those decisions administratively. It's up to the Council for
 85 discussion.

86 Councilwoman Call would say that trails may be maintained by the city, if landscaped trails are developed in
 87 conjunction with 5 acres of park dedicated to the city. We encourage them to develop the trail adjacent to
 88 a park and if it is 5 acres or more we may take it.

89 Kevin Thurman commented that they want it to be as black and white as possible. If the Council is ok with
 90 maintaining some of the regional trails with landscaping we can proceed in that direction

91 Councilwoman Baertsch said it would depend on where it is. There are areas where they will have them in an
 92 HOA anyway. She is nervous about saying they would take anything over 5 acres.

93 Councilwoman Call would say the Council may opt to take, leave it discretionary.

94 Councilman Willden noted they could appeal to City Council.

95 Councilwoman Call noted that Forestry Fire and State Lands will not allow concrete along the canal line, on
 96 their land.

97 Kevin Thurman asked if they had some direction on maintaining the landscaping in regional trail areas

98 Councilman McOmber commented that if it's adjacent to a park he would be more open to it. He likes that
 99 people in those areas are maintaining their trails. For him it is more an all or nothing type of thing. If it's
 100 next to a park it makes more sense. Similar to what they did with Regal and Neptune Parks.

101 Kevin Thurman said they need a way to make it fair for both sides. They can set a high standard for
 102 themselves and have developers maintain those standards. There is a factor of the long term cost of this
 103 as well.

104 Councilman Poduska said as we expand and our trails expand maintenance is going to become a large part of
 105 our budget so he would not encourage the city maintaining landscaping. He would like it to be more
 106 flexible as far as not forcing HOAs.

Mixed Water Front - Jordan River North Buffers¹⁵

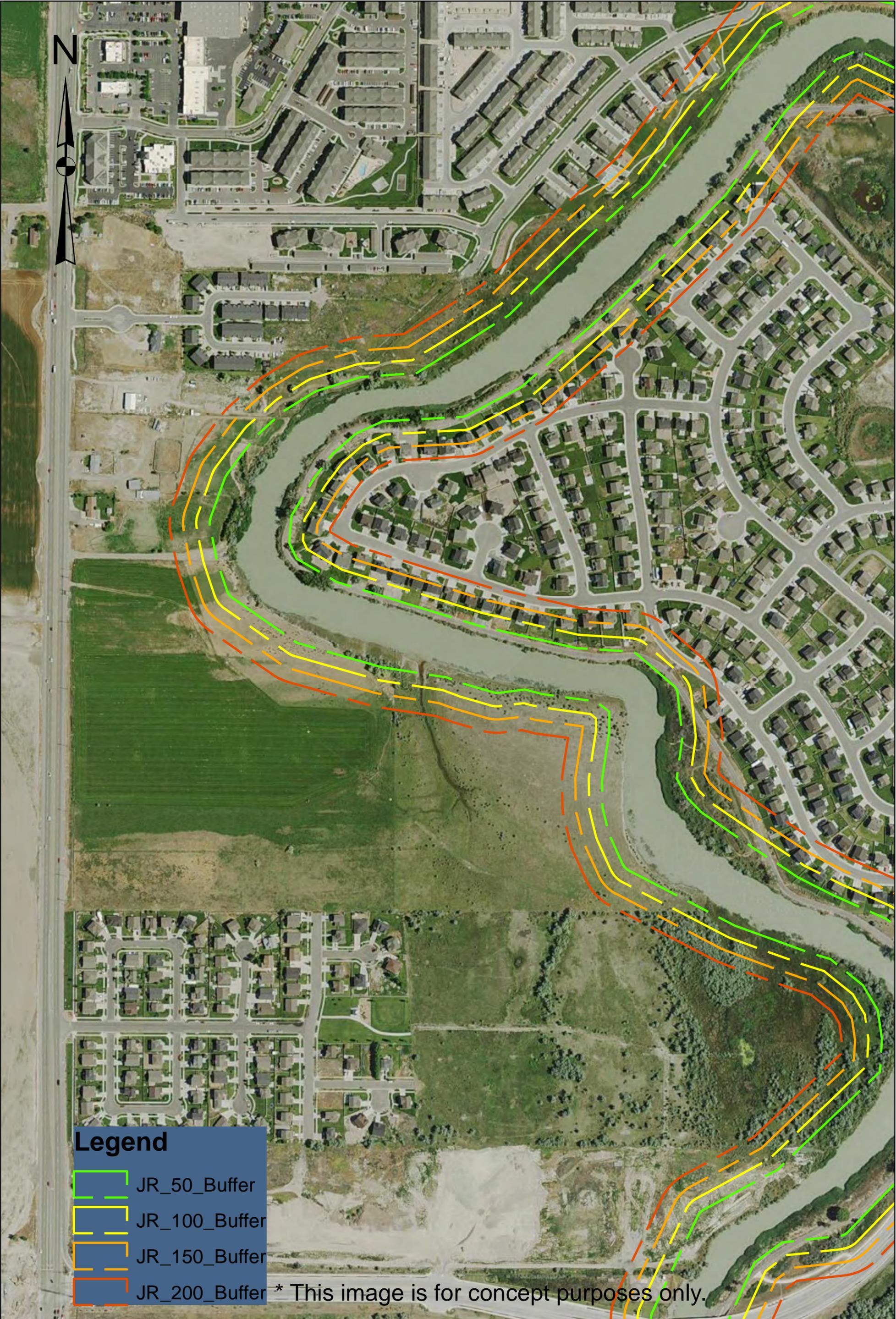


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Mixed Water Front - Jordan River Buffers

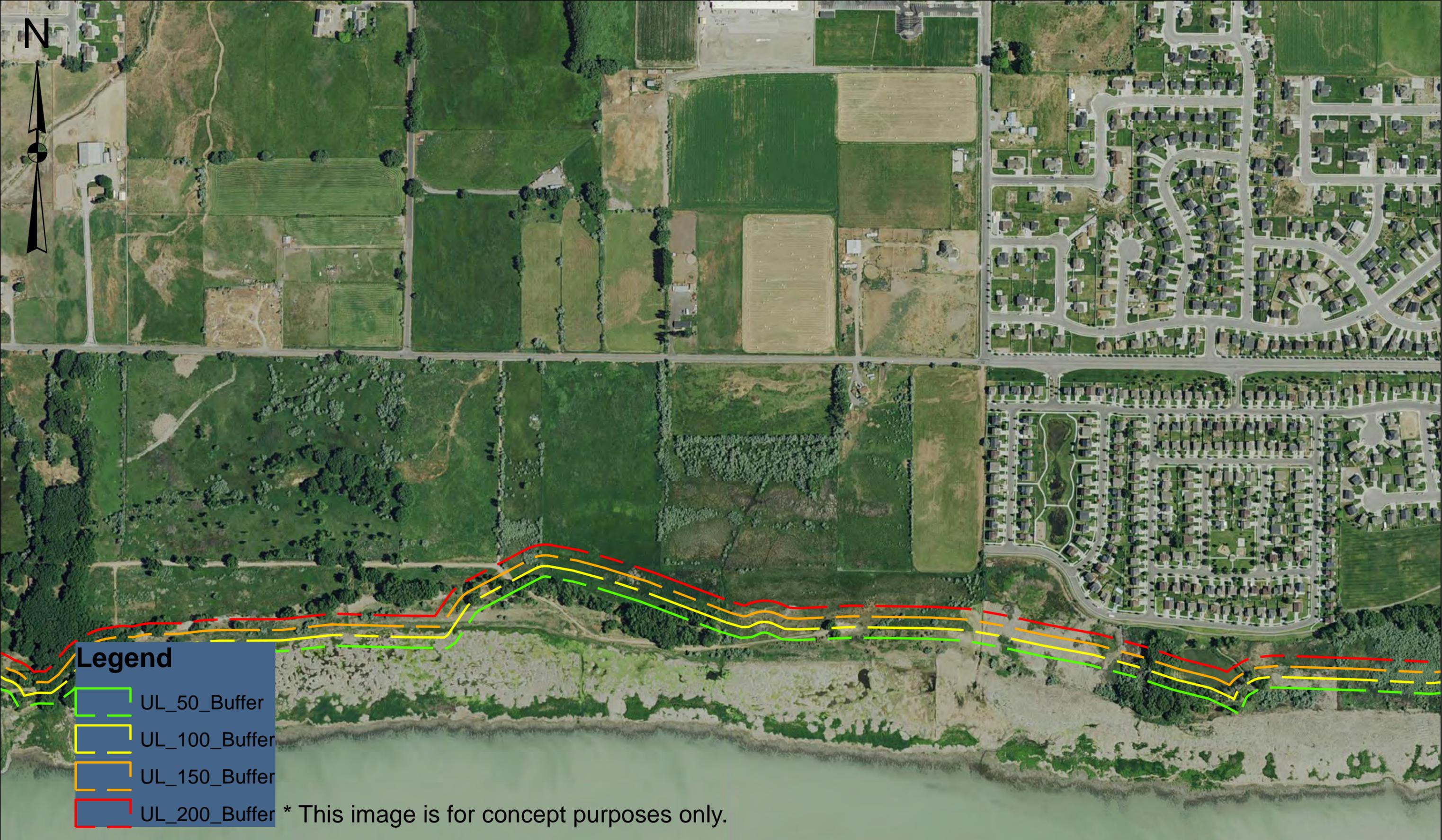


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Mixed Water Front - Utah Lake North Buffers



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* This image is for concept purposes only.

Mixed Water Front - Utah Lake Middle Buffers



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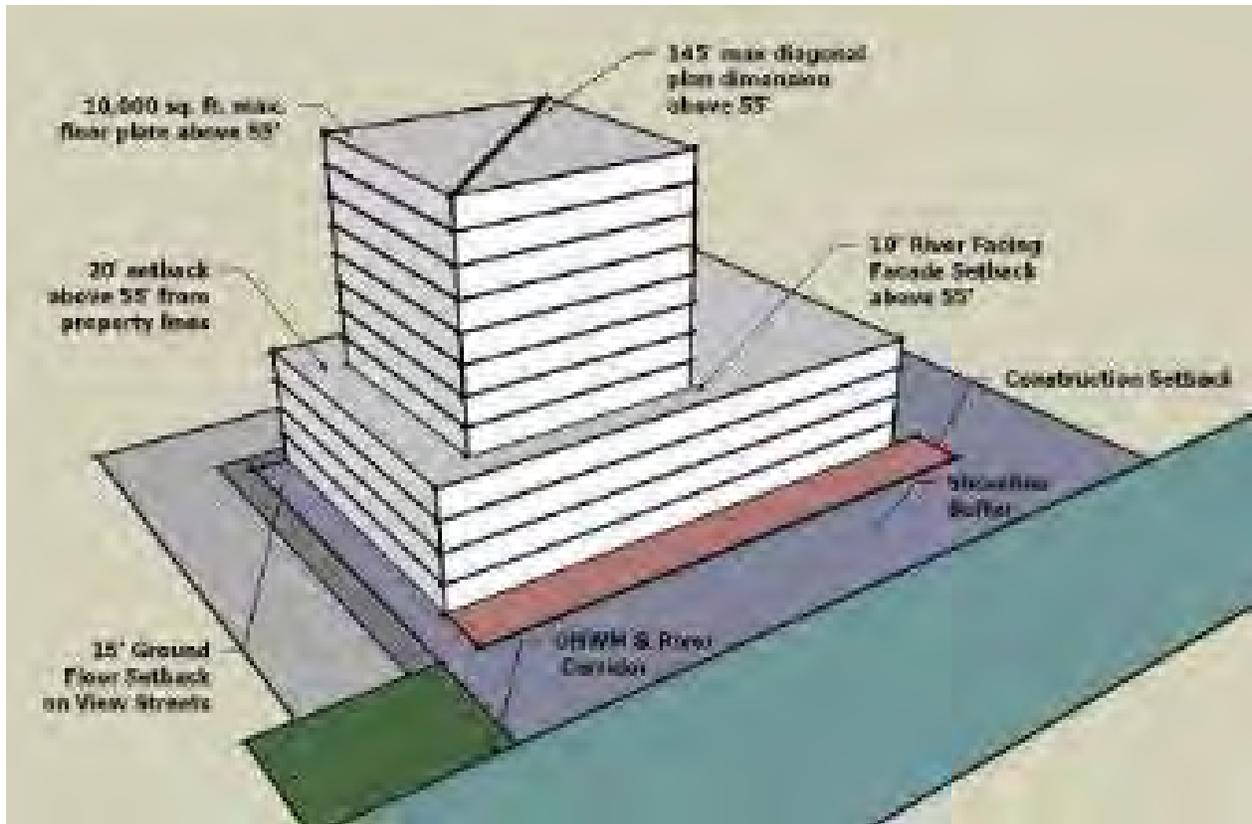
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City of Saratoga Springs
Planning Commission Meeting
January 28, 2016

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

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 Eichleberger 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 it 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 Residential 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 9th.
- 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**

Date of Approval

Planning Commission Chair
Kirk Wilkins

Nicolette Fike, Deputy City Recorder