

**City of Saratoga Springs  
Planning Commission Meeting  
June 11, 2015**

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

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**Planning Commission Minutes**

**Present:**

Commission Members: Jeff Cochran, Kirk Wilkins, Sandra Steele, Hayden Williamson, Ken Kilgore

Staff: Kimber Gabryszak, Sarah Carroll, Jeremy Lapin, Nicolette Fike

Others: Greg Haws, Krisel Travis, Boyd Martin, Garrett Seely, Patti Robe, Jeff Robe.

**Excused:** Jarred Henline, David Funk

**Call to Order** - 6:31 p.m. by Chairman Jeff Cochran

**Pledge of Allegiance** - led by Hayden Williamson

**Roll Call** – A Quorum was present

Jeff Cochran welcomed Ken Kilgore to the Planning Commission who then introduced himself. He has lived in the city for 17 years.

**Public Input Open** by Chairman Jeff Cochran

No input was given at this time.

**Public Input Closed** by Chairman Jeff Cochran

**4. Election of a Planning Commission Vice Chair.**

**Sandra Steele nominated Kirk Wilkins for Vice Chair. Hayden Williamson seconded the nomination.**

**Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Ken Kilgore. Abstain: Kirk Wilkins.**

**Motion passed in the majority.**

**5. Public Hearing and Possible Action: Preliminary Plat for Lakeside Plat 27 located at 2700 South Redwood Road, Woodside Homes, applicant.**

Sarah Carroll presented the plat. The applicant is requesting Preliminary Plat approval for Lakeside Plat 27.

Two very short streets were eliminated to allow for improved lot configurations and larger blocks. The triangular 0.62 acres of open space shown on the concept plan has been eliminated and replaced with open space adjacent to the drainage channel. The lots adjacent to the drainage channel have been reconfigured to comply with the requirement that lots may not contain any portion of the drainage channel. The proposed phasing plan for all three plats has been revised. Plat 26 is intended to be their next phase. Staff recommends amenities but feedback they got was that the HOA was not inclined to take care of amenities, but the neighbors did want more play areas. Staff suggested more natural, native style amenities to make it easier to take care of. Staff recommends adding a condition to formalize amenities at the final plat. The proposed lakeshore trail would connect to existing trails. She showed examples of approved elevations. There are many different schemes that can be chosen and they would have to be approved by the SSOA as well. She noted the Conditions in the staff report, staff recommends approval. They are asking for a variation on the setbacks.

Garrett Seely with Woodside Homes was present to answer questions.

**Public Hearing Open** by Chairman Jeff Cochran

Jeff Robe had some questions concerning the landscaping along Redwood Road. There is a berm along the property to the north of this and he asked how this would be set up with the elevation of homes.

Sarah Carroll responded that berming is required in this landscaping area. This applicant will be similar to parts of Saratoga Springs Development north of this.

Jeff Robe wanted to get an idea of how high the homes would be above the berm.

Garrett Seely answered that it would be no more than about 15 feet above.

Jeff Robe asked if this was the only access for the whole subdivision onto Redwood Road.

Sarah Carroll noted that it was the only access to Redwood Road in this phase but other phases had connectors.

Jeff Robe wanted to know about site lines of the homes west of this area and how it would affect homes that already had unobstructed views and commented about how the Redwood Road was already becoming quite congested.

**Public Hearing Closed** by Chairman Jeff Cochran

Sarah Carroll responded that Sherwood drive was rated and would be constructed to handle the traffic proposed.

Jeremy Lapin commented that UDOT is scheduled to widen Redwood Road in 2018 to 5 lanes down to Stillwater. There will probably be more widening beyond that at some point. There are also stub roads connected to future development.

Jeff Cochran commented that it sounded as though it was modeled to be able to handle the proposed traffic.

Sarah Carroll noted the maximum height of a home is 35 feet measured from the existing grade. Where the homes west of Redwood Road are higher and this side is a bit lower she anticipates a two story home would be about 15 feet higher than the berming.

Garrett Seely if you look at the contour lines on the plat and carry it across the road the fall is such that line of sight won't be impeded much.

Sandra Steele noted the public had asked about 200 some residents coming out of this road. She indicated that with this phase it was only 69 homes and then another road would be built with the next phase and that would take some of that traffic also. She asked how many floor plans did they intend to use.

Garrett Seely replied about 6-8

Sandra Steele commented that if it's the same floor plan near each other you can usually tell but you appear to have enough plans that you can mix them up.

Garrett Seely replied that each floor plan had 3 different elevations to choose from as well.

Sandra Steele looked at the reduction in setback from the other projects and a corner setback had been 20' instead of 15' and does staff feel that is sufficient to keep a clear line of site.

Sarah Carroll responded that with the 20-25 in the front and 15 feet on the side, so not directly.

Kimber Gabryszak commented that the house could be articulated to make it work.

Sandra Steele feels that is her main concern, that it would be not sufficient and she asked the applicant what he would say.

Garrett Seely replied that they were already following what was already approved in the area and they have increased side setbacks from there.

Sandra Steele thinks we need to add a condition that they meet City Standards for a clear view triangle on the corner lots and it will be up to the applicant to make sure the homes meet that.

Hayden Williamson wanted to echo Commissioner Steele's comments. He wanted to talk about the amenities and that the SSOA didn't want to maintain the additional amenities. He talked to Doug Rand and he recollected that the HOA did want more.

Garrett Seely said they were still in negotiations with the HOA.

Hayden Williamson recommended that they look at adding the additional amenities. As for the setbacks if they meet the clear view triangle he would be ok with that.

Kirk Wilkins asked about the green along Redwood Road and asked what kind of grass would go there and if it would be maintained.

Garrett Seely replied they would match everything north of the golf course and it would probably be Kentucky and Fescue and the HOA would take care of it.

Kirk Wilkins asked if there was any variety with the outside elevations.

Garrett Seely replied yes there will be different pitches and styles of roofs.

Sarah Carroll commented that she didn't include the whole packet because of the size and they are required to not have any of the same side by side or across the street and because it was a condition of the SSOA she doesn't see the need for an additional condition.

Kirk Wilkins echoes the concern about the setbacks and would support an additional condition to keep the clear view triangle on corner lots. He asked about allowing 3 car garages.

Garrett Seely responded that about 50% of the plan allowed for 3 car garages.

Ken Kilgore asked about the lakeshore trail, the report said it can comply as opposed to it does comply, what are they thinking as to the type of trail.

Garrett Seely replied that it has been unique in working with the State in going across State land to connect the trails. They are working with FFSL to get the trail to transition across the state property and they are waiting from notification from the AG office.

Jeff Cochran asked if the setbacks were consistent to what was approved before.

Sarah Carroll said different phases have different setbacks approved so it's doesn't match any of them. There has been a 15' rear setback in other phases. She put some comparisons in the staff report. On the corner side the narrowest they found was 20' and they are asking for 15'.

Jeff Cochran supports the amenities and suggests they work with the HOA to decide what that may be. He also agrees with Sandra Steele on the clear view triangle.

Hayden Williamson thought they could add a condition to work with the HOA on the amenities.

Sarah Carroll said they could add to that condition and add that it be presented with the final plat.

**Motion made by Kirk Wilkins that the Planning Commission recommend approval to the City Council of the Preliminary Plat for Lakeside Plat 27 located at approximately 2700 South Redwood Road, based on the findings and conditions found in the Staff Report. With the added conditions that 1. For lots with approved setback reductions they maintain the City Code for Clear Site View Triangle and 2. That the developer work with staff to agree on a method to provide architectural variety and proximity to adjacent homes and those across the street and 3. that they will work with the HOA to determine acceptable amenities for open space and present that with the final plat. Seconded by Sandra Steele.**

Hayden Williamson asked about the condition requiring maintaining architectural variety between homes; it sounds like the HOA is already managing that and he doesn't feel a need to double up with the HOA.

Sarah Carroll noted that they ask for an approval letter from the SSOA before they issue the building permit and it works well. It's easier for the HOA to maintain that review than for the city.

Kirk Wilkins will agree to **strike the second condition.**

Sandra Steele liked what Kirk Wilkins said better than what SSD proposes.

Kirk Wilkins said he originally understood that it wasn't solidified but now he is hearing it different

Garrett Seely said it's in the CCR's that you can't build the same color scheme house or elevation directly across the street or next to another.

Sandra Steele would be ok with that.

**Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore. Motion passed 5 - 0.**

**6. Public Hearing and Possible Action: Community Plan Amendment for Legacy Farms located on the southeast corner of Redwood Road and 400 South, DR Horton, applicant.**

Krisel Travis noted that they got a CLOMAR yesterday.

Kimber Gabryszak presented the amendment. The applicants are requesting approval of an amendment to the Legacy Farms Community Plan (CP) to modify the permitted material for the shared lanes from concrete to asphalt. There are some minor changes to some of the standards. Some of the entrances are elevated to encourage drivers to slow down and show they are entering a new plaza area.

Krisel Travis was here to discuss the shared lanes. In Village Plan1 there are three shared lanes. The proposal in the packet is because one of the things that came up was they interpreted the code to be asphalt because

it was a shared lane. They also wanted to make sure Chief Campbell was ok with it and he asked that some tree boxes be moved so they can maneuver better. So they have changed the orientation of some of the trees. They haven't eliminated any trees and they have added extra. She demonstrated how the cars could maneuver in the lanes. As part of the proposal they will be using asphalt in the shared lanes and they are complying with city standards and with geotechnical issues. There is not a standard high back curb but there will be 6 inch curbing around the edge and between the driveways. Part of the measures to let you know you are entering something different, is that the drive is raised and stamped and colored. She noted some of the positives. They are proposing taller baskets at the entrances that will also be branded.

**Public Hearing Open** by Chairman Jeff Cochran

No input at this time.

**Public Hearing Closed** by Chairman Jeff Cochran

Sandra Steele noted she brought up strong opposition before about the shared lanes and she feels that it still should be concrete. She is concerned that their definition of shared lanes only includes bicycles and automobiles, not pedestrians. She hopes this will be the last time they come to them on something like this. She also feels the community that came to the open houses are expecting concrete. She thinks they are using the extra trees and stamped asphalt as consideration for making the amendment.

Krisel Travis said that could be a consideration but it was never intended to be plain.

Sandra Steele asked how high the transition was up to the shared lanes.

Krisel Travis replied about 6 inches like a regular driveway, from the street to the sidewalk elevation.

Sandra Steele commented that they are asking them to change what they thought they were getting and yet when we ask for things we are told you can't do that. She feels like they are going down a one way street on this and right now she is not in favor of the asphalt. Her research is that asphalt does not last as long as concrete. She feels this will be a starter home area with a sub-HOA with a greater amount of maintenance on asphalt, that there wouldn't be on concrete, and their fees will be higher. She commented that colored asphalt does not hold up as well as colored concrete. She did her own research and she believes concrete would be a better option for those people who would have to pay through their HOA to maintain it. The other residents don't have this burden. On the colored part of the asphalt, she has seen it not very old, and it doesn't look very pretty to her. Her research is that it's not durable. She would hope they would get a raised berm. Sandra asked what was next to the tree wells, a flat concrete curb?

Krisel Travis replied it was a metal edge that would support the tree wells that weren't raised. There would be gravel in the wells. The trees in there would be what were on the water wise list that was approved.

Sandra Steele asked what color the rock would be.

Krisel Travis noted they hadn't looked for the rock yet, probably brown, but she noted the different kinds listed on pg. 99.

Sandra Steele asked about the 12' lanes and she noticed that they changed the tree well sizes from 8 feet to 6 feet. The road section now shows 13' and 6' and 13'.

Krisel Travis said the overall width of the road has not changed, the width of the median is still 8' and 12' the dimension on the engineering changed to show the accurate placing of the tree wells.

Sandra Steele asked why they changed the size of the tree wells

Krisel Travis replied that they changed the tree wells for better function because the City had voiced concern about room to maneuver.

Sandra Steele said normally the asphalt needs street sweepers to clean it and how would they handle the street sweeping and maintaining.

Krisel Travis said the same way it's handled in other areas. They can get a sweeper if needed.

Sandra Steele asked why they didn't do a turn radius at the end of the street, for garbage or delivery trucks.

Krisel Travis said it's a dead end and they are under the fire access compliance and they would have to back out with a larger trailer. She showed how garbage would be collected.

Sandra Steele asked when they were talking about the planters and tree wells and ground cover, are you counting the gravel as ground cover.

Krisel Travis said no, they are saying it is possible for ground cover to be there, for that option. In the raised tree wells there are options for annual planting.

Sandra Steele said this is a walkway, walkways are 12ft. wide and their definition for walkway is exclusively for pedestrians and there is a disconnect there.

Krisel Travis said in the original plan she thinks there was a disconnect there, they were looking at the transportation way as being what was the main purpose and that's why they saw it as asphalt and it's clear the City saw it as a walkway. This is not exclusively for pedestrians; it's always been a shared lane.

Sandra Steele said they need to work on their definitions and take walkway out of there. They have provided nothing for pedestrians other than asphalt, and anywhere else in the city they have required concrete.

Mark Christensen raised a thought that they did just change their standards about asphalt and concrete trails a couple meetings ago and this is like the decision they made then.

Sandra Steele said they approved this as concrete thinking it would include pedestrians and now it doesn't. She thinks concrete would serve the purpose better of entering a unique area.

Mark Christensen said the last application has modified street cross sections as well. He sees her argument to keep the concrete but fundamentally they do allow for those modified cross sections.

Sandra Steele thinks it was not sold to them as an asphalt lane. It is comparing apples and oranges, that this is a different scenario. She feels like asphalt will do many things the last of which is the contrast between the dark and white with cars and children on it you need the contrast of dark and light and light might save some of the trees. Also the only light there is in extra parking and wall packs.

Krisel Travis replied there will be lights on the garages and lights at the stalls.

Hayden Williamson thinks for him, it comes down to what will be better for the residents long term. In his HOA the upkeep on asphalt is a big drain on them. Switching to concrete here may save them some money long term. He would default to Jeremy and Jeff and their professional expertise. He asked what the better substance was and what the advantages of moving this to asphalt from a city and resident standpoint.

Mark Christensen asked if Jeremy would also identify other road cross sections in the city where they require concrete for the road material.

Jeff Cochran spoke that from a long term point concrete is a better product, but there are advantages to asphalt, short term it requires additional maintenance. It should be sealed every 3-5 years. He is concerned that it will become an HOA issue and when a homeowner comes in they will find out the funds are insufficient and the fees will go up. Concrete has some maintenance as well but you might get twice the life out of it.

Jeremy Lapin would lean more towards that it was sixes; he thinks it may be where you want to put the money in the end. When concrete fails it is expensive to fix but if it is installed right and well maintained it would increase the life. Asphalt requires regular maintenance to get the full life out of it.

Jeff Cochran said the cost on asphalt is more of an over-time cost, concrete is more up front.

Jeremy Lapin noted that private roads tend to be the biggest expense an HOA has, whether it's concrete or asphalt.

Mark Christensen asked if we required any other concrete cross sections for a roadway.

Jeremy Lapin replied that we do not, we only do asphalt because from a maintenance standpoint it's easier to get in and out with the maintenance, you can get in and out quickly, shorter shut down of roads and such and concrete takes longer to repair.

Jeff Cochran said both concrete and asphalt are great products; they have different levels of maintenance and to Jeremy's point concrete is more expensive to repair.

Kirk Wilkins asked about the raised area and how much higher are they.

Krisel Travis said it would be like you were entering a driveway, you rise as you approach and then you would stay at that elevation. It will be so when you turn to go into this area it will be like turning into a private drive.

Kirk Wilkins said with concrete vs asphalt, he would go with concrete. He believes their motivation is to save money.

Krisel Travis said it is more expensive but that is not total motivation, they feel the product they can give them with asphalt will look nicer and be more decorative and stamped asphalt costs more than concrete. If they do concrete that's all it is, a white slab, top to bottom.

Kirk Wilkins thinks stamped asphalt would have ridge that fill with ice and salt and have more areas for damage. For shared purpose and safety and pedestrian use he feels concrete is better for residents and for longevity, it's better for maintenance and snow removal and cracks. He knows previously as a Planning Commission they agreed on the concrete along Redwood Road.

Ken Kilgore asked what year of tree growth would be put in the area.

Krisel Travis noted it would be mature trees.

Greg Haws replied they would be columnar oaks and he did not know how long it would take them to reach full growth.

Ken Kilgore noted there were some of those along the trail in Saratoga Springs Development. And the trail is asphalt and depending on how the trees mature and grow it can damage the asphalt, he wondered if they thought about that.

Greg Haws said they had considered those and there are methods to make sure growth goes down. The tree species was selected to try and minimize damage

Krisel Travis further commented and also to accommodate the canopy for the fire lane.

Ken Kilgore wondered if a cost analysis was done to compare concrete vs. asphalt.

Krisel Travis said they hadn't done that over a ten year period. D.R. Horton has a goal to not turn over a burden to the HOA. They do a cost analysis, a reserve study, prior to setting the HOA fees. They will establish the budgets based on replacement costs in 6-10 years. An independent third party does that and they set the fees accordingly. As far as the initial installation concrete goes in at about \$6 a sq. ft. asphalt at about \$2.41 sq. ft. Stamped asphalt at \$6.75 sq. foot. It's expensive to do all concrete; about \$400,000 in cost with all the shared lanes in concrete, the asphalt cost would be about \$200,000. What they would spend on the proposal tonight would be about \$283,000.

Boyd Martin said this has turned more into more of a maintenance issue than what they meant. They felt from day one it was always meant as asphalt, they aren't trying to pull a bait and switch. He is hoping there is a better compromise than it all has to be concrete because "we gotcha." They wanted to talk about fairness, are all townhomes in the city to be concrete now? He has never done a townhome road in concrete. They have tried to make this work and they need to be fair; not just punish him and have everyone else including the city do concrete. If the maintenance points are valid for him, they are valid for everyone. People think it's all about the money but they are here for the long run. They have never not done a warranty request even if it's 10 years old. If it's wrong they go back and fix it. If the argument is maintenance then let's be fair. If the point is a misunderstanding then let's address that issue and we could maybe come up with a compromise. That is a more fair discussion.

Mark Christensen thinks Boyd needs credit on an issue. He noted years ago they had a project in Harvest Hills and under no obligation they took care of an issue that was long out of their scope. He feels there is some legitimacy to the issue that Boyd has brought up, they have taken care of the issues they have seen come up.

Boyd Martin said they do a good research study; they don't come in low and jack it up when they leave. They are fair and have third parties do the studies, they don't play games they are too big to do that. He would be glad to share other studies with them.

Jeff Cochran thanked him for his comments. He doesn't think anyone is trying to play a "you gotcha." He doesn't feel like anyone is trying to cut a fat hog here, working in the industry he knows that is not the case. They are trying to make sense of it for the city and not take advantage of it. He is getting mixed messages. What is the purpose tonight, why are they here tonight, why are they considering asphalt as opposed to concrete.

Boyd Martin replied their understanding all along was that it was asphalt. There was some ambiguity because it was a shared lane and someone brought up that because it was shared it was a "walkway" and had to be concrete. But it's also a road which is always done in asphalt. They never proposed concrete. They are here to clarify and trying to get to the heart of the matter, He understood they are being told that it's a shared lane and thus part of it is a walkway so the whole thing has to be concrete.

Jeff Cochran remarked that if they asked them to place it in concrete what would be his answer.

Boyd Martin replied it is a significant change in money.

Krisel Travis feels if it's just concrete then it's just plain concrete but the asphalt would look nicer.

Jeff Cochran asked staff what their opinion is.

Mark Christensen thinks they are split across the board

Kimber Gabryszak replied that the applicant is right, we never discussed asphalt or concrete, it was brought up in a meeting here. In an attempt to be sure that we are fairly interpreting and applying their CP, there is some ambiguity but in looking at the plans it appeared to them to be concrete but they never discussed the

material for the shared lane just that it would feel like a plaza and that is usually handled by different street treatments so it feels more like a shared space and makes it more uncomfortable to a driver. If it is just straight concrete or straight asphalt that is not going to do it. Either way it needs to have some differing of materials so it doesn't feel like a big driveway.

Sandra Steele said asphalt is hot and concrete holds heat longer but doesn't get as hot. With other townhomes they require sidewalks and if they would give them sidewalks then she might be ok with it as asphalt.

Greg Haws said this was partly his fault as he took tables from thoroughfares and copied them over and that is where the walkways came from and he missed editing the tables and this is where the problem is. The color originally was tan, as a designer he was trying to indicate that it was something different, not asphalt or concrete, that is was a pedestrian shared auto bicycle, something different.

Sandra Steele asked if the driveways were going to be concrete.

Greg Haws replied they would be. Trees are damaged in the winter because of the white reflection. There are more trees next to driveways that suffer damage than next to asphalt.

Mark Christensen said he is not the one prone to look at the artistic side of things. He values the views of the staff and this has had very lively discussions that the Commission doesn't usually see. He values staff opinion and defers to them. There have been some critical arguments that have come up but there should be some compromise that can come about. He thinks there is a balance that can be found here. They have put effort to come to a workable solution. They have come up with a staff recommendation and he stands by that.

Kimber Gabryszak noted that staff recommended approval as is or with changes. There is just a standard that they create a design and adopt standards. When staff reviewed this it does appear they have provided standards and made effort to do shared space, there are arguments and concerns but is there some middle ground? Straight concrete is going to feel as plain just straight asphalt.

Hayden Williamson said it looks like we are looking at what are the advantages if we are not talking about durability. There is basically no other advantage given to concrete other than durability.

Kimber Gabryszak with change going to stamped and colored on the asphalt to break it up that is correct.

Hayden Williamson commented that with that in mind there might actually be an advantage to the asphalt so to add the colors and variance.

Jeff Cochran said the stamped and colored asphalt looks good initially but may present a maintenance disadvantage in the future. He might suggest something other than the stamped colored asphalt.

Kimber Gabryszak does have images of stamped asphalt nearby.

Ken Kilgore asked about what was on the entry of Parkway Blvd. area that was stamped.

Jeremy Lapin said what was near here was all stamped concrete.

Ken Kilgore said his opinion is leaning towards the staff recommendation.

Kirk Wilkins commented that he was hit by a car when he was a kid, that there was no sidewalk then, and he would like something that stood out as a separate walkway.

Hayden Williamson is leaning toward staff recommendation.

Sandra Steele said she doesn't think the stamped asphalt will last very long. She would rather see no stamped asphalt because she thinks it will be a maintenance problem and putting burden on future homeowners.

She agrees with staff about 19.26 but there is another section that says they need to use pedestrian and transit design. She would recommend concrete.

Kimber Gabryszak showed examples, from Eagle Mt. about 10 years old. It still looked alright.

Krisel Travis noted downtown Provo Center Street is stamped asphalt and it has been there many many years.

Jeff Cochran feels split. He feels asphalt would have challenges before the concrete would, but he would probably vote concrete.

Jeremy Lapin wanted to clarify that the job here was to decide if this complies with Land Development Code.

He referred them to training a few weeks ago from Brent Bateman. It makes him uncomfortable that they are talking about maintenance; that is not really about complying with code. Council makes the decision based on findings of whether it complies with code or not.

Jeff Cochran feels that it does comply with code.

Sandra Steele had another comment, that because she felt so strongly about it, she read from Code 19.01.04 about preserving the fiscal welfare and general welfare of the City. She feels this is fiscal welfare.

Mark Christensen pointed out that there is a State code on how HOAs need to do their studies. We need to be careful to not overstretch and say this is for us protecting the HOA.

Jeremy Lapin wanted to be clear that his opinion was even between the two surfaces.

**Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the proposed amendment to the Legacy Farms Community Plan with the Findings and Conditions in the Staff Report. Seconded by Ken Kilgore. Aye: Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore. Nay: Sandra Steele. Motion passed 4 - 1.**

A five minute break was taken at this time.

#### 7. **Work Session: Discussion of potential Code Amendments.**

Kimber Gabryszak led a discussion for the following amendments to the Code.

- 19.02, Yard Definition – cleaning up definition to avoid confusion, and replacing graphics with more comprehensive ones.
- Gateway – removing the Gateway definition and references from multiple sections of Code, as defined Gateway is no longer the primary entrance into the City.
- 19.05, multiple –
  - Add standards for solar
  - Correction to Temporary Uses
  - Standards for Auto Sales and Large Parking Lots
  - Solar Panels
  - Discussion of potential code for Accessory Dwelling Units
- 19.06, multiple –
  - Smart Timers already in Code
  - Artificial Turf discussion
  - Discussion of where fencing drops to 3' height for corner lots
  - Discussion of planting standards for trees not in ROW
- 19.12 – permit plat amendments to affect plat boundaries
- 19.13 – implement expiration of applications for inactivity

Kimber Gabryszak reviewed the specific changes made in each section and helped define them with examples for the Commissioners.

Jeff Cochran asked if they removed the Gateway then how would they still curb undesirable businesses.

Kimber Gabryszak replied some codes are not quite ready to go on, but they could add additional standards to solve the issue.

Kirk Wilkins had a question about the solar, that it says a licensed photovoltaic contractor had to install the solar equipment, does it matter as long as it is installed to code?

Kimber Gabryszak replied that it was recommended to them by the official and she didn't want to answer for him. Kimber noted they are trying to clarify the code that only City sponsored events could be at the parks, not just City approved. There would need to be clear standards as to what could and couldn't be allowed. They are removing "curb and gutter" to temporary road base and adding to comply with Standard Technical specification.

Ken Kilgore asked about the health department approvals.

Kimber Gabryszak responded about the things the health department would require when there was more than 300 people in addition to the standard Food Handlers permit.

Mark Christensen noted that prepared food would have different rules than unprepared food.

Kimber Gabryszak continued with vehicle sales and storage.

Hayden Williamson had a comment on vehicles sales and requiring screening that seems a little onerous to him. You see tons of cars in parking lots all over the city and they aren't required to be screened.

Dealerships need their cars to be seen.

Mark Christensen noted a car dealership is a tremendous boon to have in a city.

Kirk Wilkins also feels you need to see the cars.

Sandra Steele said there is a car lot in Pleasant Grove that was an eyesore. She wanted to see a graphic about a 30' wide landscape buffer, she is wondering how that will work.

Mark Christensen thinks you could separate the two; vehicle storage is different from vehicle sales.

Kimber Gabryszak thinks she has some direction to bring standards for auto sales back. She moved on to Solar panels.

Kirk Wilkins asked if someone was to put in panels but they were not connecting into the grid, maybe they used them only to power their upward lights at night.

Mark Christensen said they could have certain rights as a homeowner, with this they couldn't even put walkway solar lights. There needs to be a definition for solar panels.

Kirk Wilkins had some good questions.

Kimber Gabryszak noted the few changes in landscaping and fencing. Automated water sensors were required in some areas. They are looking into planter standards for trees in and out of right of ways. They suggested ornamental and deciduous trees having the same caliper regulation.

Mark Christensen suggested taking out the different types of trees, couldn't an evergreen also be an ornamental tree?

Sandra Steele asked how high would it have to be to be a decorative tree and not a shrub. Food for thought.

Kirk Wilkins asked about a code for view blocking with spiked walls or tall trees.

Kimber Gabryszak noted that they could discuss it but views are not a protected property right. For the benefit of the community they could identify view corridors and put restrictions in the area, but not the view of an individual homeowner. Kimber continued with artificial turf, it is not truly zero water because it needs to be washed. Artificial turf is not allowed in some areas because it can have negative impacts.

Sandra Steele has a concern that you could go put green carpet down; we need to say you can't do it or have installation standards.

Kimber Gabryszak noted we are allowed to regulate aesthetics per state code. You can get it to look nice but you have to get quality but there are the other concerns like a heat island increased runoff, sanitation and several other items. They could consider it, in small shaded areas or allow a percentage to be turf, but right now staff is not recommending that we pursue allowing it. It needs more research. In the meantime it's prohibited. They recommend keeping it prohibited in residences and commercial.

Mark Christensen thinks it has some applications in some medians.

Sandra Steele noted Montego Bay in Wendover is all artificial turf and it looks good.

Ken Kilgore had a thought about installing little golf pads in back yards.

Kimber Gabryszak took notes for later. She discussed screening and fencing requirements in front yards abutting side yards, corner lots. There were two options, allowing 6' fence along the street/side yard or not.

Ken Kilgore thinks the house that faces the street with the fence should take priority.

Kimber Gabryszak noted staff is recommending that option.

Sandra Steele likes the 3 ft. fence option. She noted concerns with children walking along tall fences or runners that can't see what's coming around it.

Kimber Gabryszak said they have to have the clear view at a minimum.

Kirk Wilkins noted the clear view triangle should be calculated including the park strip.

Kimber Gabryszak noted that curb and gutter is not part of the setback, it is measured from the back of the sidewalk to the house. They will bring in a new graphic.

Kimber Gabryszak noted there was some cleanup on boundary, plat amendments. She spoke on the Expiration for Inactivity; she noted there are plats that can sit for several years without an approval and the code amendments made since then don't apply to them after that long. Staff is recommending that after due process when they haven't heard from an applicant for a while then an application can be deemed inactive and subject to closure under certain criteria. They have to give the city information to move forward, they can't just say keep it open.

Mark Christensen said we do need some legal opinion on this.

Sandra Steele thinks they could say we move it forward to a certain point instead of just coming in with new concept plans.

Kimber Gabryszak noted that concept plans don't vest you, once they expire they lose all vesting.

Sandra Steele said with new preliminary plats they keep coming again and again.

Mark Christensen thinks we could handle that with an additional fee. There are marketing conditions where we may not want to kill a project because property values drop and we may want to hold onto it. There is some value in preserving that.

Kimber Gabryszak thinks it does say when the planning director determines it is inactive. If that were the case they just wouldn't send the notices. She returned to Accessory Dwellings. She had people inquire about doing basement apartments. She thinks it a good option to have in the city; they have certain obligations under Federal housing laws and State laws. They require that you have a plan to implement affordable housing. The concern if you are in violation is that a developer comes in and if they show you are not in compliance then they can sue you and overthrow prohibition on a certain density or zone. If we can show that we are providing the affordable housing then they can avoid those problems. Basement apartments are 99% of the time included in affordable housing. The concern is if you suddenly allow accessory units there will suddenly be a lot of them. They haven't really seen that in other cities, usually there is only a trickle because of the requirements in place. Some things you are requiring are additional utilities so they pay their fair share and additional parking and building code with separate air and heat, there are codes in place that not everyone can just do it. Those units count towards affordable housing. There are concerns that it draws down the neighborhood. That is not the case according to studies. She noted her own city and neighborhood as an example. There was some discussion on additional parking.

Sandra Steele feels there needs to be an additional covered parking space for equity.

Kimber Gabryszak has been looking at the studies and the more parking you require the less accessory dwellings you have. You need something besides the driveway, but it probably doesn't need to be covered. The average homeowner is not going to be able to make an additional parking space.

Hayden Williamson noted if they required that it is covered that most people would put a cover over their boat space and it would look ugly.

Mark Christensen noted that it has some value to it and it's something we should consider for the City. Having the rules in place makes it built right to begin with and avoids problems down the road. For instance when family/kids move out of the mother-in-law apartment and now they want to make it available for rent, they would have to tear it out to meet the requirements.

Kirk Wilkins asked if we are doing this mainly for the affordable housing.

Kimber Gabryszak said we are not in trouble now but in a few years we may be. This is a desirable area to build but as home prices rise the ratio of affordable housing goes down. But there are many reasons this has come up. Do we want to be the ones that make people rip it out after they spent the money and now are losing their house to foreclosure? Do we want to turn a blind eye and allow it to go on while not looking out for the safety and health of people living in them? Do we want to say no to this and yes to something we don't want later. This is one tool and doesn't have to be allowed in every zone. HOAs would be able to say no to this. There is a potential change in property tax rates.

Jeff Cochran is not opposed to this but it needs to be carefully considered.

Kirk Wilkins thinks it does change the dynamic of the neighborhood, he noted examples in his neighborhood where there are kids doing bad things and vandalizing in the neighborhood that are living in basement apartments.

Sandra Steele asked if Mark Christensen was aware of the Ogden City good landlord program.

Mark Christensen said yes.

Sandra Steele had a problem with the neighbor's yard that didn't get put in and the enforcement told them they didn't need to because it was a rental unit and it is still not put in with many problems. Had this been in place she thinks we could have alleviated that problem and would like to see us put it in place.

Mark Christensen responded that generally the good landlord program is not going to be required for someone renting their house out; it's more for a duplex scenario. He thinks the business license incentive will kick in for the bigger renters more than 4 units. One of the biggest advantages to this is that when people know this is in place they will make the improvements right the first time instead of having to go back and rip it out to make it legal.

Hayden Williamson is in favor of this. It is how many people get their start, in basement apartments.

Sandra Steele is against it, it can change the whole dynamic of a neighborhood, to the detriment of the neighborhood. She reads the definitions and she came into the city reading those and the definition of a

single family dwelling on a lot. How many areas in the city could do it without violating the recorded CCRs.

Jeff Cochran agrees, that it is much more difficult than people envision.

Sandra Steele could see it not as a trickle but as a flood and noted it affected utilities and traffic and also changes ERUs and other things.

Kirk Wilkins thinks we are not enforcing the rules we have now.

Mark Christensen noted people catch on and say they just have a family member in the basement. We can't prove that. If we don't do this we will need to do approve a lot more high density complexes. The way the referendum went we will be in violation of the Affordable Housing Act. He is hoping that the church will do more of this in their Mixed Unit developments and Community Plans.

Jeff Cochran thinks it would be a great idea to encourage that.

Sandra Steele doesn't have a problem with the accessory units in the larger lots or subdivisions.

Mark Christensen noted we have restricted it to such a small number of lots at that point.

Ken Kilgore didn't want to assume, is there a way where it was positive, could they look in other communities.

Kimber Gabryszak said she is working on it. It is hard to get accurate information because a lot of them are illegal. The key is owner occupancy and adequate parking.

#### **8. Work Session: Discussion of Vision and Long Range Planning.**

Kimber Gabryszak noted a few things on their radar that were priorities. They need to update the General Plan overhaul the open space code, architectural standards for multifamily residential, sign code overhaul, downzones, zone system overhaul, PUD & PC zone standards, process streamlining, low impact development, affordable housing, ongoing cleanups.

#### **9. Approval of Minutes:**

1. May 28, 2015.

**Motion made by Hayden Williamson to approve the minutes for May 28, 2015. Seconded by Kirk Wilkins. Aye: Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore, Sandra Steele. Motion passed.**

#### **10. Reports of Action.**

Legacy Farms – positive recommendation was given, the vote was 4-1 in favor.

**Motion made by Hayden Williamson to approve the Report of Action for the Legacy Farms amendment. Seconded by Sandra Steele. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore, Motion passed 5-0.**

#### **11. Commission Comments.** No additional comments.

#### **12. Director's Report:**

- **Council Actions**
  - Council appointed a new Planning Commissioner and approved a Plat amendment.
- **Applications and Approval**
- **Upcoming Agendas**
  - Minor plat amendment to CWP coronation facility.
  - Foxhollow neighborhood 6.
    - This will trigger several more neighborhoods getting developed.
  - Code amendments that they didn't cover tonight.
  - Vision discussion.
- **Other**
  - The July 23<sup>rd</sup> is the day before Pioneer Day so they suggested they move that meeting to the following week. The consensus was to bump it back a week.

13. 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.

No closed session.

Meeting adjourned by Chairman Jeff Cochran

Adjourn 10:14 p.m.

June 25, 2015  
Date of Approval

Lori Yates  
Lori Yates, City Recorder

