Planning Commission Meeting

Thursday, August 27, 2015
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.

Regular Session 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: Amendments to the General Plan for the Mixed Lakeshore Designation. Presented by Kimber Gabryszak.

5. Public Hearing: Amendments to the City of Saratoga Springs Land Development Code. Presented by Kimber Gabryszak.

6. Approval of Minutes:

   1. August 13, 2015.

7. Reports of Action.

8. Commission Comments.

9. Director's Report:
   - Council Actions
   - Applications and Approval
   - Upcoming Agendas
   - Other

10. 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.

11. Adjourn.

*Public comments are limited to three minutes. Please limit repetitive comments.

Posted: 21st day of August, 2015. /s/ Lori Yates, City Recorder

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.

Kimber Gabryszak, AICP
Planning Director

Planning Commission
Staff Report

General Plan and Code Amendments
Multiple Sections
Thursday, August 27, 2015
Public Hearing

Report Date:	Thursday, August 20, 2015
Applicant:	Staff and Subcommittee Initiated
Previous Meetings:	Code Subcommittee Meetings Planning Commission Work Session August 13, 2015 City Council Work Session August 18, 2015
Land Use Authority:	City Council
Future Routing:	Public hearing(s) with City Council
Author:	Kimber Gabryszak, Planning Director

A. Executive Summary:

The Code Subcommittee and Staff have been working on the next round of code cleanups, amendments, and clarifications. The current packet proposes changes to the following sections:

GENERAL PLAN
- Change Mixed Lakeshore Designation to Mixed Waterfront

CODE
- 19.02 – Definitions
- 19.04 – Land Use Zones
- 19.05 – Supplemental Regulations
- 19.06 – Landscaping and Fencing
- 19.12 – Subdivisions
- 19.13 – Process
- 19.14 – Site Plan
- 19.26 – Planned Community Zone
- Multiple sections, removal of "Gateway": 19.02, 19.04, 19.15, 19.18, 19.23

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. Alternatives include continuance to a future meeting or a negative recommendation for all or some of the amendments.

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. In October 2013 the Council appointed a Development Code (Code) Update Subcommittee consisting of two City Councilmembers, one member of the Planning Commission, and City staff as appropriate.

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, and through Code enforcement. The subcommittee and staff have drafted the enclosed amendments to further these goals and address identified issues.

Planning Commission Work Session
The Planning Commission held a work session on June 11, 2015, and provided input on the draft amendments. An additional work session was held on August 13, 2015 at which time revisions responding to the Commission's input were presented.

C. **Specific Request:** The proposed amendments are summarized below, with details outlined in Exhibits 1 – 6. (Note: the Exhibits are organized by topic and not by Code section.)

- 19.02, Yard Definition
  - Clean-up definition to avoid confusion, and replace graphics
- Multiple sections, Gateway
  - Remove the Gateway definition and references from Code, as the defined Gateway is no longer the primary entrance into the City
  - Sections impacted: 19.02, 19.04, 19.15, 19.18, 19.23
- 19.05, multiple –
  - Standards for Auto Sales and Large Parking Lots and Vehicle Storage
    - *The Commission requested a graphic to accompany the 30' landscaped buffer language – attached*
    - *The Commission requested information on which zones permit vehicle storage: only the Industrial Zone*
    - *The Commission recommended a height limit for display areas: included*
- 19.06, multiple –
  - Identify location where fencing should drop to 3' height for corner lots
    - *Subcommittee recommended allowing 6' fencing to property line, and requiring fencing to be set back 15' from the intersection of driveway and sidewalk.*
    - *Graphic attached*
  - Discussion of planting standards for trees not in ROW
    - *Commission recommended minor changes to clarify application of standards*
- General Plan and 19.04 – Mixed Lakeshore
  - Change name to from Mixed Lakeshore to Mixed Waterfront to permit application along Jordan River as well as Utah Lake
  - Add several clarifications, and modify feathering and commercial location standards.
  - Proposal includes higher density in interior of development, with density transition to match adjacent developed residential areas
- 19.12 and 19.13 and 19.14 – Subdivisions and Development Processes and Site Plans

- Delegate several types of approvals to better streamline processes

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 scheduled 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, and implement ordinances and guidelines to assure quality of development.

The General Plan also has goals for development taking advantage of the scenic and recreational values of Utah Lake. The Jordan River is also of scenic and recreational value to the community; therefore implementation of the Mixed Lakeshore standards along the Jordan River is also consistent.

Staff conclusion: consistent
The proposed changes help to improve transparency and consistency by continuing to clarify definitions and remove contradictions. The changes also help to increase efficiency by removing unnecessary regulations such as the Gateway, continue to streamline processes, and improve the ability of the City to benefit from local scenic and recreational amenities.

The goals and objectives of the General Plan are not negatively affected by the proposed amendments, community goals will be met, and community identity will be maintained and possibly enhanced.

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 help streamline the process, clarify inconsistencies, remove unnecessary regulations while ensuring negative impacts are mitigated through additional standards elsewhere as necessary, increase benefit from local scenic and recreational amenities, and general welfare will be maintained.*

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 helps to clarify the process and improve efficiency and consistency, thus ensuring economy in government expenditures by lessening the cost of application review, and maintaining a high standard of review by ensuring existing requirements are still met. The amendments also increase the possibilities for improved economic well being by adding to a type of commercial opportunity, and encourage an attractive and beautiful community.

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 development review, 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 Recommendation
The Planning Commission may choose to forward a **positive recommendation** on all or some of the amendments to the Code Sections listed in the motion, 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 Sections [19.02, 19.04, 19.05, 19.06, 19.13, 19.15, 19.18, 19.23] 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 Sections [19.02, 19.04, 19.05, 19.06, 19.13, 19.15, 19.18, 19.23] of the Code to the September 10, 2015 meeting, with the following direction on additional information needed and/or changes to the draft:

_____
_____
_____
_____

Alternative B – Negative Recommendation
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 Sections [19.02, 19.04, 19.05, 19.06, 19.13, 19.15, 19.18, 19.23] 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. _____

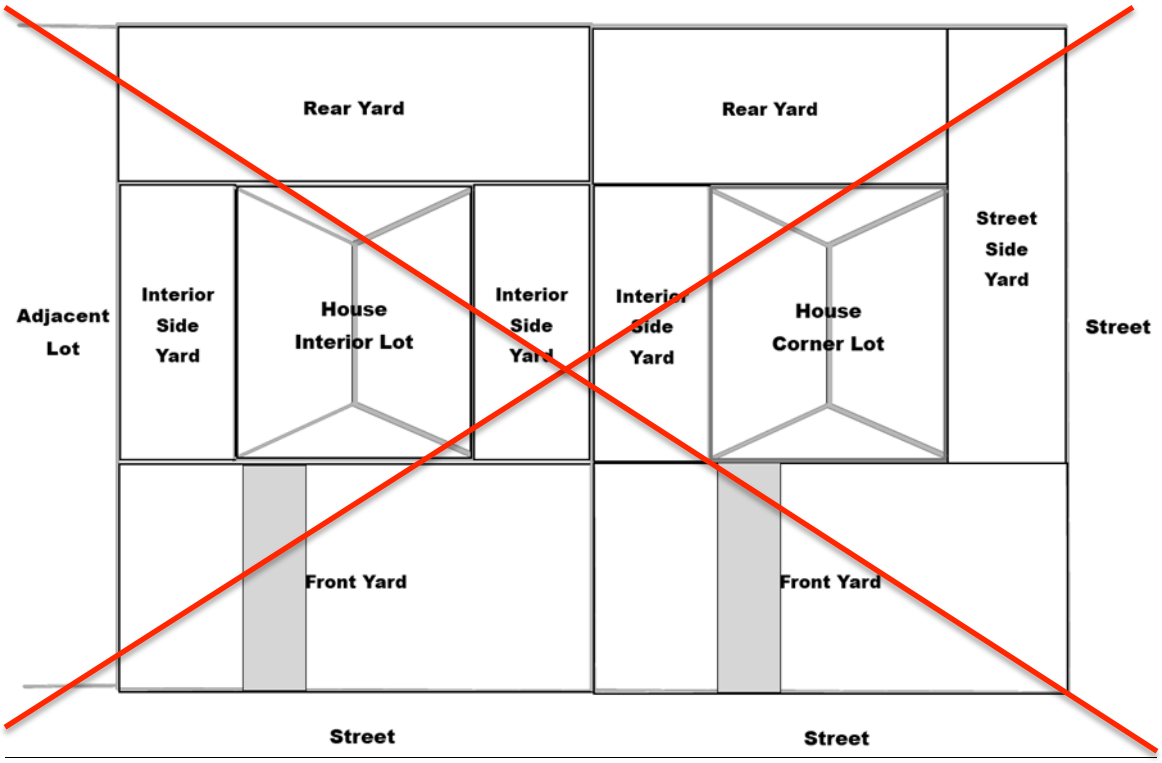
I. Exhibits:

1. 19.02 – Yard Definition
2. Multiple sections, Gateway – 19.02, 19.04, 19.15, 19.18, 19.23
3. 19.05 – Standards for Vehicle Sales
4. 19.06 – Fencing and planting standards
5. 19.12 and 19.13 – Process Delegation
6. General Plan, 19.04, and 19.26 – Mixed Waterfront

~~2.~~ #TBD. **"Yard, side"**

a. Interior ~~lot~~side yard: means a yard between the interior side lot line and the side facade of a main building, extending from the front yard to the rear yard, and
b. ~~Corner lot~~Street side yard: a yard between the street side lot line and the side façade of a main building on a corner lot, extending from the front yard to the rear lot line, as illustrated in Drawing 1 below.

Drawing 1, Interior and Corner Lot Yards



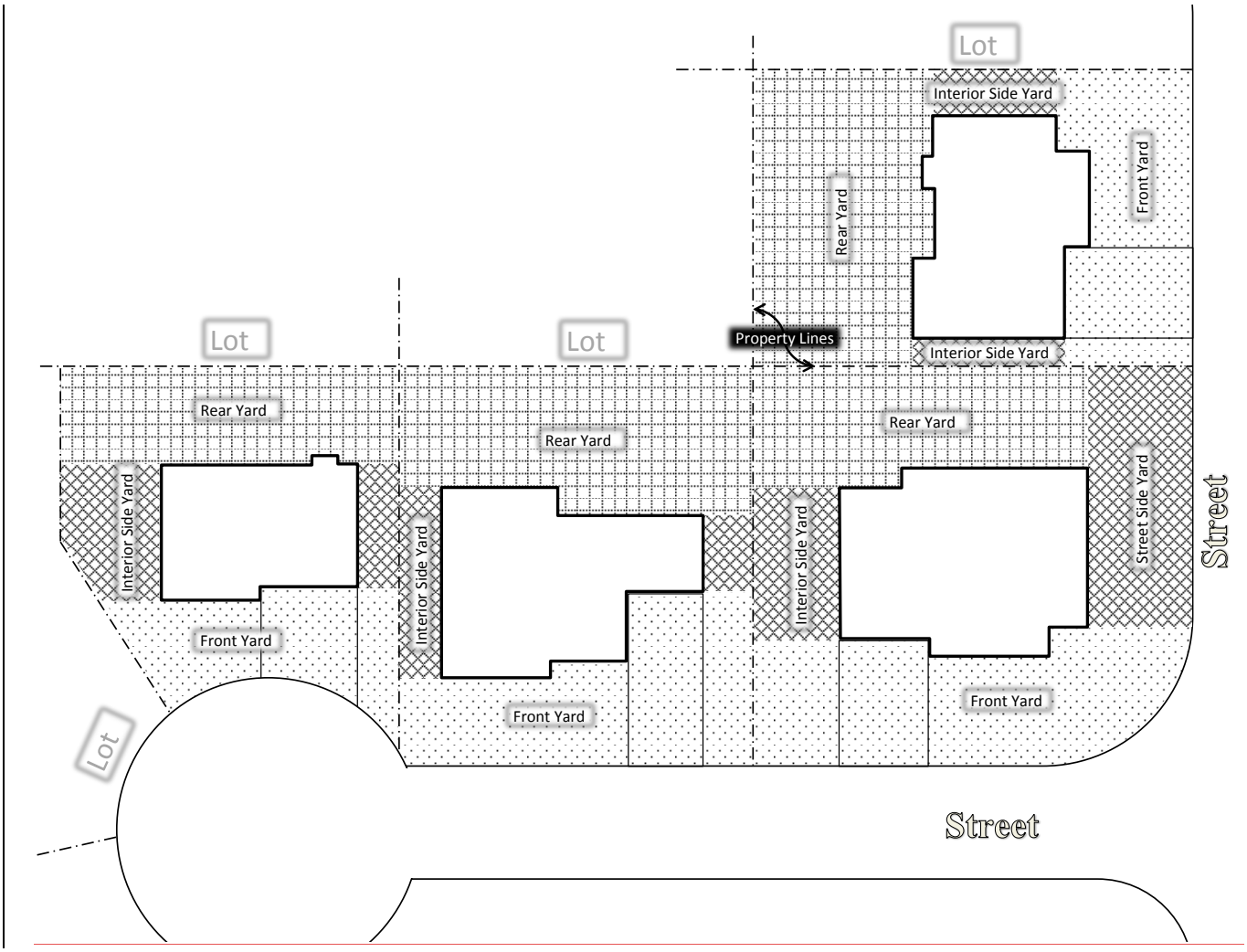

Lot
Interior Side Yard
Front Yard
Rear Yard
Property Lines
Interior Side Yard
Lot
Lot
Rear Yard
Rear Yard
Rear Yard
Interior Side Yard
Interior Side Yard
Interior Side Yard
Street Side Yard
Street
Front Yard
Front Yard
Front Yard
Lot
Street

Exhibit 2 – Multiple Sections, Gateway Removal

GATEWAY **Sections 19.02, 19.04, 19.15, 19.18, 19.23**

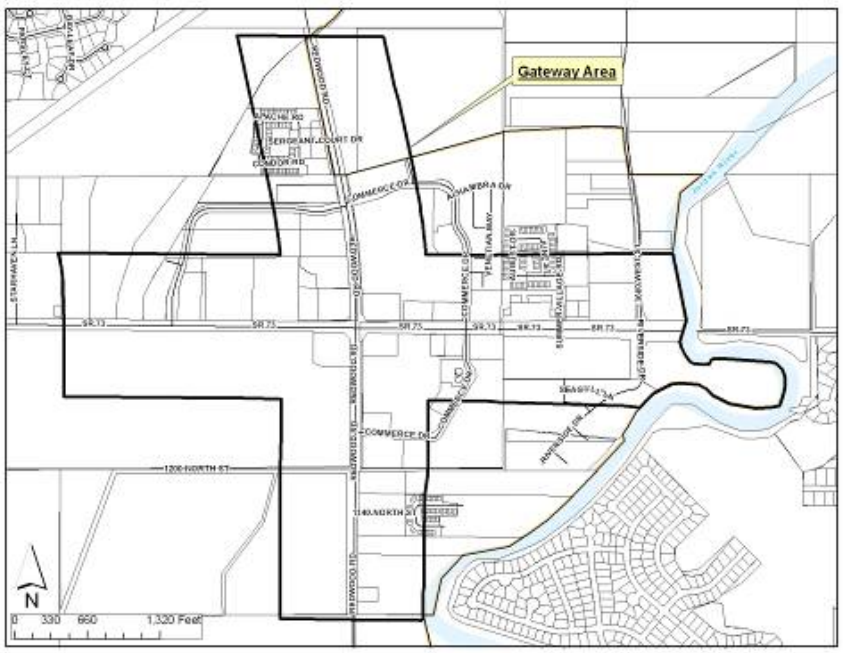
19.02.02. Definitions.

~~**117. "Gateway Area"** means the following areas, as also shown on the exhibit below, which is subject to certain land use restrictions in the Regional Commercial (RC) Zone as identified in Section 19.04.18:~~

~~a. **North and south of the intersection of Redwood Road and SR 73:** The area of land that is located within 600 feet of the edge of right-of-way along State Route 68 (Redwood Road) and a distance of 2,640 feet north and south of the intersection of the centerlines of State Routes 68 and 73.~~

~~b. **West of the intersection of Redwood Road and SR 73:** The area of land that is located within 600 feet of the edge of right-of-way along SR 73 and a distance of 2,640 feet west of the intersection of the centerlines of State Routes 68 and 73.~~

~~c. **East of the intersection of Redwood Road and SR 73:** The area of land within 600 feet of the edge of right-of-way between the west bank of the Jordan River and the intersection of the centerlines of State Routes 68 and 73.~~



19.04.07.2
Permitted and Conditional Uses by Zone – Commercial

	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Automobile Repair, Minor			C**	C	C		CE		
Automobile Sales			C**		C				
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation			C**	C	P				

Vehicle, Sales & Service									
Building Material Sales (with outdoor storage)			**C~~**~~**	**C**	**P**				
Car Wash (self service)			**C~~**~~**	**C**	**C**				
Convenience Store/Fast Food Combination			**C~~**~~**				**CE**		
Recreational Vehicle Sales			**C~~**~~**						

~~** The noted uses shall only be allowed in the listed zones at locations that are outside the Gateway Area.~~

19.04.22. Regional Commercial (RC).

1. **Purpose.** The purpose of the Regional Commercial Land Use Zone is to allow, in appropriate areas, commercial businesses and shopping centers of a scale that will serve neighborhood, community-wide, and regional shopping needs. These regulations should preserve the existing quality and livability of the City while still assuring maximum efficiency of traffic circulation and convenience.

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Regional Commercial (RC) Zone.

3. **Conditional Uses.** The uses identified in the table in 19.04.07.3 as Conditional Uses in the Regional Commercial (RC)~~ Zone allows the Conditional Uses with some uses as identified in the table only permitted outside the Gateway Area~~.

19.15.06. Special Standards and Considerations Governing Particular Uses.

In addition to the general standards and considerations set forth in 19.15.08, the following special standards shall be considered in relation to an application for a Conditional Use permit for any of the following uses:

1. **Automobile refueling stations and car wash operations.** As Conditional Uses, automobile refueling stations and car wash (self-serve) operations may be permitted under the following conditions:
    a. The proposed location of the Conditional Use is in accord with the Land Use Ordinance and land use zone in which the site is located.
    b. They do not break up contiguity for pedestrians of retail store frontage.
    c. They will not be a nuisance to residences and other surrounding uses.
    d. They will not cause traffic hazards or undue traffic congestion.
    e. For automobile refueling stations or free standing car washes, the lot frontage, if located on a major street, shall not be less than 125 feet.
    f. For automobile refueling stations or car wash operations with gasoline, diesel, or natural gas pumps shall have buildings of the type of construction as required in applicable building codes, and are to be located at a distance of not less than twenty-five feet from property or building setback lines, whichever is greater.

g. Gasoline pumps and pump islands for car wash operations or automobile refueling stations shall have a canopy and the setback, measured from the edge of the canopy, shall be not less than twenty-five feet from any property lines or shall be in conformity with the building setback lines of the zone, whichever is greater.
h. Driveway design and spacing for automobile refueling stations or car wash operations shall be reviewed by the City Engineer, whose recommendation will be forwarded to the Planning Commission.
i. The minimum closest distance from the automobile refueling stations or car wash with gas pumps site to an existing school, park, playground, museum, or place of public assembly shall not be less than 500 feet.
j. No outdoor storage of rental trucks or trailers, stacks of tires, or other merchandise will be provided by the automobile refueling stations or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height.
~~k. In the Regional Commercial (RC) Land Use Zone, these land uses will not be allowed within the Gateway Area.~~

19.18.04. Signs not requiring a permit.

9.d. Two off-premise development identification signs may be allowed to guide traffic to a site.
   i. These signs are limited to thirty-two square feet in area and eight feet in height.
   ii. These signs must be placed entirely upon private property.
   iii. These signs must have written permission of the property owner and be presented to the Planning Director for approval before they are erected.
   iv. The duration of display shall be the same as On-Premise development identification signs.
   ~~v. These off-premise signs are prohibited in the City's "Gateway Area" as defined within this Code, unless the development is specifically accessed from within the Gateway.~~

19.23.03. Permitted Locations and Restrictions.

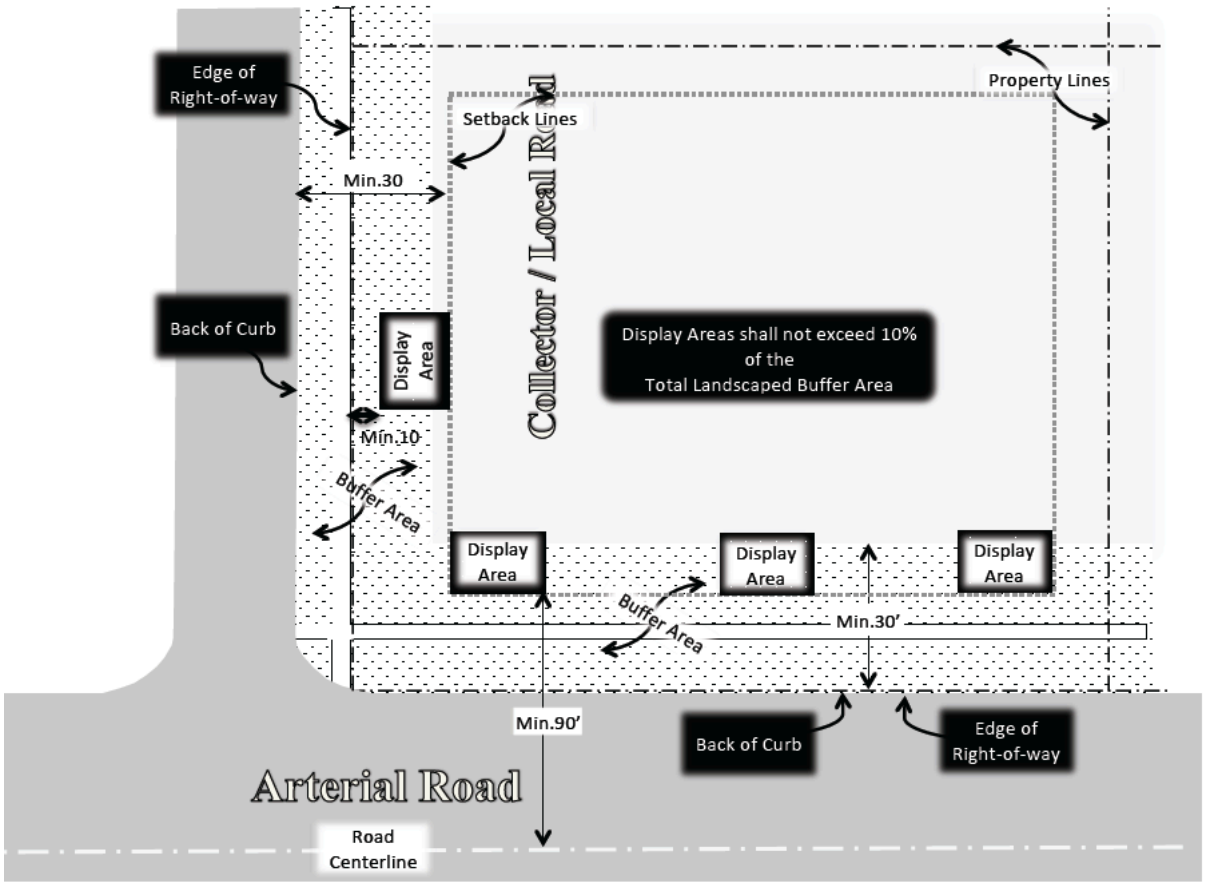
Sexually oriented businesses shall only be permitted in areas zoned Industrial, as defined in the Saratoga Springs Land Development Code, Section 19.04.20. Sexually oriented businesses are subject to the following additional restrictions:

1. No sexually oriented business shall be located within a 1,000 foot radius of any church, park, school, or residential zone, as measured by a straight line without regard to intervening structures. The distance is measured from the property line of the church, park, school, or residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school, or residential zone.

2. ~~No sexually oriented business shall be permitted within the Gateway area or within 1,000 feet of the Gateway area.~~

19.05.14. Vehicle Sales.

1. Uses identified as any type of outdoor vehicle sales shall meet the additional standards below.
    a. Landscaped buffer. Parking and sales lots shall be separated from adjacent roadways by a minimum 30-foot wide landscaped buffer area, as measured from back of curb. The buffer area may include required setbacks, ROW, walkways, sidewalks, and park strips.
    b. Screening. Parking lots and large doors shall be placed behind a landscaped berm or screen wall with a minimum height of 3 feet installed in the landscaped buffer.
    c. Arterials. Along arterial roadways, parking and sales lots shall be set back a minimum of 90 feet from the Right of Way centerline.
    d. Vehicle Display Areas. Vehicles may be displayed in the landscaped buffer area, subject to the following restrictions:
        i. Display may only occur in areas outside the ROW, walkways, sidewalks, and park strips on locations designated for such display through the site plan approval process.
        ii. Display areas shall be a minimum of ten feet from the back of sidewalk.
        iii. Display areas shall comply with clear view triangle setbacks.
        iv. Display areas shall not exceed 10% of the landscaped buffer area.
        v. Vehicles in the display area shall not exceed a maximum height of ten feet as measured from the nearest sidewalk to the highest point of the vehicle.
        ~~a.~~vi. For arterial roads, display areas shall also be set back a minimum of 90 feet from the centerline of the road.


Edge of Right-of-way
Property Lines
Setback Lines
Min.30
Collector / Local Road
Back of Curb
Display Area
Display Areas shall not exceed 10% of the Total Landscaped Buffer Area
Min.10
Buffer Area
Display Area
Display Area
Display Area
Buffer Area
Min.30'
Min.90'
Back of Curb
Edge of Right-of-way
Arterial Road
Road Centerline

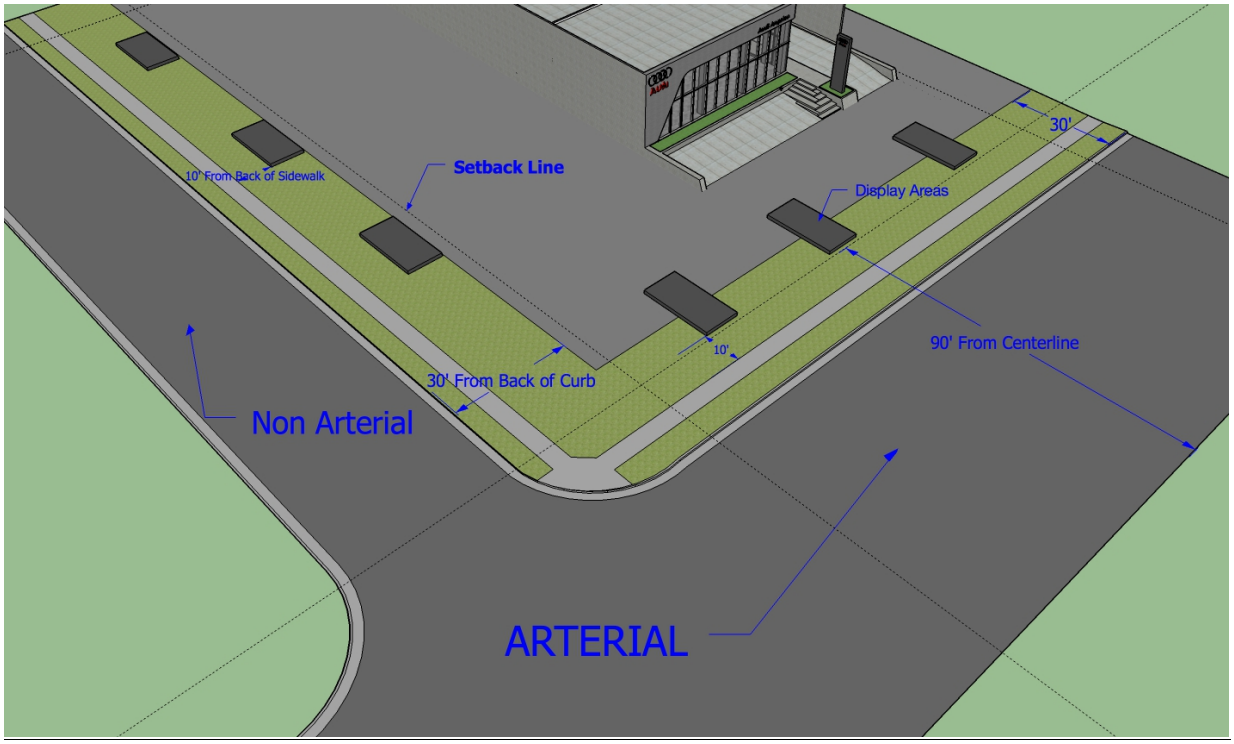

10' From Back of Sidewalk
Setback Line
Display Areas
30'
90' From Centerline
10'
30' From Back of Curb
Non Arterial
ARTERIAL

Exhibit 4 – 19.06, Planting and Fencing

19.06.06. Planting Standards and Design Requirements.

1. The planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this Chapter. Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City Council.

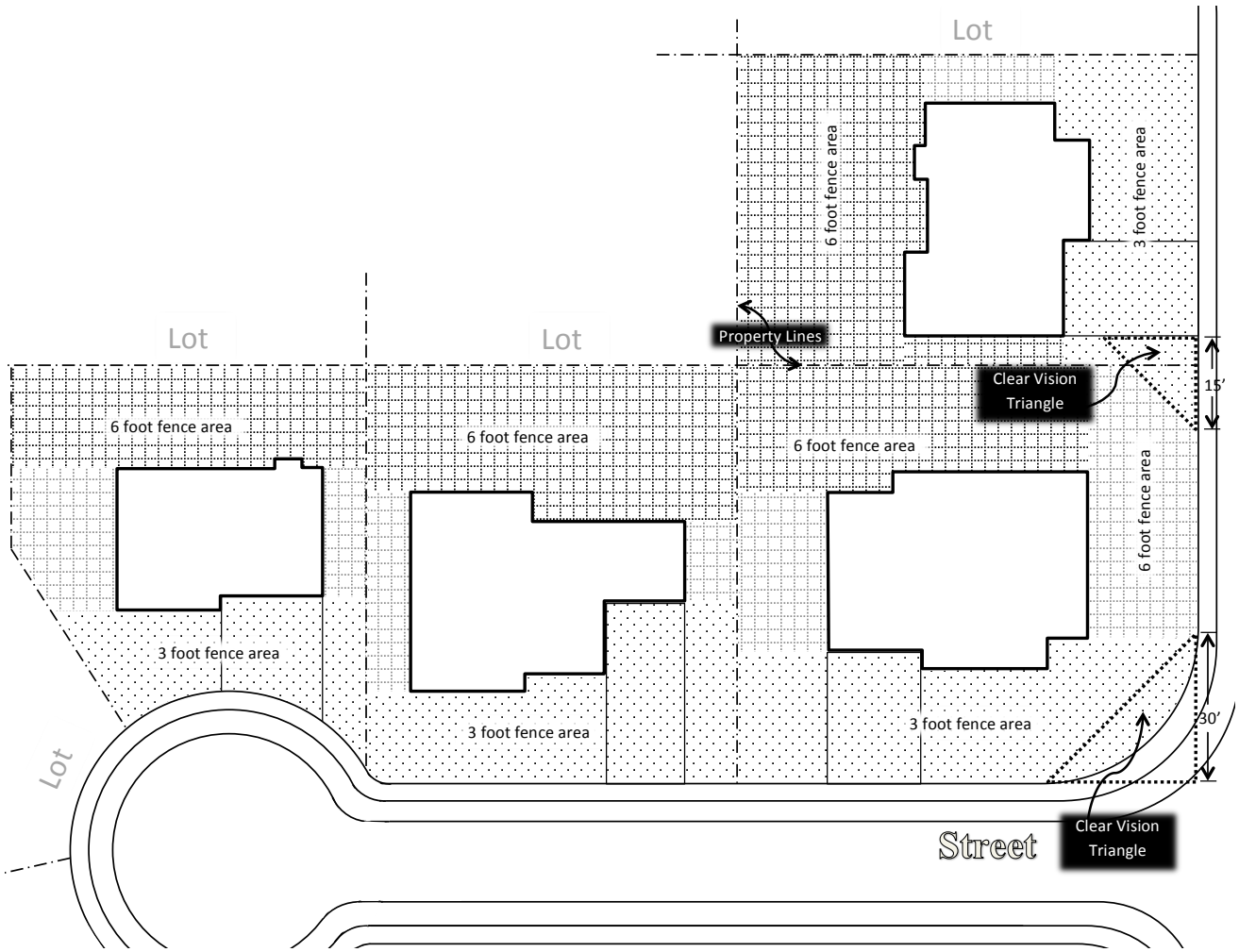
2. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured ~~at the diameter at breast height (DBH)~~no less than 12 inches above the root ball:
    a. ~~All required trees in commonly owned or HOA owned open space shall be planted according to the public planting standards outlined in the City Standard Technical Specifications and Drawings.~~ Required trees are subject to the following standards:
    b. [See previous amendments for requirements]

19.06.09. Screening and Fencing Requirements and Restrictions.

This Section outlines provisions that govern the heights of screening and fencing.

1. **Front yards:** fences exceeding three feet in height shall not be erected in any front yard space, ~~or street side yard space that abuts a neighboring front yard, space~~ of any residential lot.

~~1.~~2. **Street side yards:** fencing in street side yards adjacent to a driveway shall not exceed three feet for a distance of fifteen feet back from the intersection of driveway and sidewalk, or driveway and ROW where no sidewalk exists as shown in the drawing below. Fencing shall also comply with all other clear sight triangle requirements as stated in 19.06.


Lot
Lot
Lot
Lot
6 foot fence area
6 foot fence area
6 foot fence area
6 foot fence area
3 foot fence area
3 foot fence area
3 foot fence area
3 foot fence area
Property Lines
Clear Vision Triangle
Clear Vision Triangle
15'
30'
Street

19.12.03. Subdivision Process and Approval Procedure.

~~2.~~3. **Final Plat.** Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.

a. The developer may submit a Final Plat application with the Planning Director at any time after the Preliminary Plat application for a subdivision has been submitted and all applicable fees have been paid so long as any Preliminary Plat approval has not expired; Final Plat approval may not occur until after Preliminary Plat approval but applications may be processed concurrently and considered at the same meeting.

b. Upon receipt of an application for a Final Plat, the following process shall be followed:

i. City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is deficient.

ii. Once an application is deemed to be complete, City Staff shall review the proposed Final Plat and determine whether it is in compliance with the approved Preliminary Plat, other provisions of the City Code, and any modifications, requirements, findings, and conditions made during Preliminary Plat approval. If the proposed Final Plat fails to comply, the Planning Director shall direct the City staff to return it to the developer, along with a written list of deficiencies. The Planning Director is specifically charged with ensuring that all significant conditions required for Final Plat have been resolved before ~~recommending City Council~~taking action.

iii. If the Planning Director ~~recommends that a proposed Final Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the City Council~~ finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed Final Plat. If the ~~City Counci~~Planning Director~~l~~ determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall ~~direct City staff to~~ return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the ~~City Council~~Planning Director will authorize the Mayor to sign it.

iv. If the Final Plat application contains requested deviations from the approved Preliminary Plat, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered. If the City Council finds that the plat and requested deviations are in final form and comply with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat and requested deviations do not comply with the City Code and with the terms and conditions of the approved plat, it shall return the proposed Final Plat to the developer, along with a written list

of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.

~~iii.~~v.

~~iv.~~vi. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

4. Final Plat Application Requirements. Applications for Final Plats shall be on an approved-City form and include the following items:

q. Mylar Final Plat: After receiving Final Plat approval from the ~~City council~~Planning Director or City Council and in a form approved by the City, a 24" x 36" copy of the final plat shall be provided to the City on reproducible Mylar for recording with Utah County. Mylar plat shall be presented with all utility and owner signatures and appropriate notarizations.

(Ord. 14-23, Ord. 14-4)

19.12.04. Condominium Process and Approval Procedure.

1. All condominium projects shall receive Site Plan or Preliminary Plat approval as required by this Title. Both approvals may occur concurrently.

2. Upon approval or filing of a Site Plan or Preliminary Plat for a condominium project, the developer shall submit to the city a Declaration of Condominium prepared in accordance with the requirements of the Utah Code and a Record of Survey Map (also referred to as condominium plat) meeting the requirements of the Utah Code.

3. The developer may submit a condominium plat application with the Planning Director at any time after the Site Plan or Preliminary Plat for a condominium development has been approved and all necessary fees have been paid.

4. Upon receipt of an application for a condominium plat, the ~~following~~ Final Plat process outlined in this Chapter shall be followed.~~:~~
   ~~a. The Planning Director and City staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.~~
   ~~b. Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed condominium plat and submit a report to the Planning Commission at least three days prior to the meeting where the Planning Commission will review the condominium plat application.~~
   ~~c. The Planning Commission shall review the proposed condominium plat and determine whether it is in compliance with the approved Site Plan and other~~

~~provisions of the City Code and any requirements imposed as a condition of that Site Plan approval.~~

~~i. If the proposed condominium plat complies, the Planning Commission shall approve it for signature by the Mayor, after final approval of the Development Agreement (if necessary) by City staff.~~

~~ii. If the proposed condominium plat fails to comply, the Planning Commission shall direct the City staff to return it to the developer, along with a written list of deficiencies.~~

~~iii. The Planning Commission is specifically charged with ensuring that all significant conditions required for the development have been resolved before recommending City Council action.~~

~~d. If the Planning Commission recommends that a proposed condominium plat be approved, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered.~~

~~i. If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed condominium plat when the Development Agreement (if applicable) is completed and approved by City staff.~~

~~ii. If the City Council determines that the condominium plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed condominium plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.~~

~~e. The City Recorder, or his or her designee, shall be responsible for recording condominium plats. The developer shall pay for all recording fees at the time of recordation. No condominium plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.~~

5. Condominium Plats shall be prepared in accordance with all applicable titles of the Utah Code (e.g., Title 57) and all Final Plat requirements deemed necessary by City staff.

19.12.07. Minor Subdivision Approval Procedure.

Applications to subdivide a parcel into a maximum of four parcels may follow the process described herein as the Minor Subdivision Approval Procedure. The process of effectuating the subdivision of land as a Minor Subdivision shall commence with the submission of a complete Minor Subdivision application to the City. Upon receipt of an application for a Minor Subdivision approval, the following process shall be followed and criteria met:

1. **Limitations.**
   - **a.** A Minor Subdivision is a one-time process. To ensure adequate infrastructure, lots contained in an existing recorded subdivision plat~~-~~ are not eligible to apply for a Minor Subdivision.

b. The minimum lot size for lots created through a Minor Subdivision shall be one acre, or the minimum allowed by the zone, whichever is greater.

c. Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.

2. **Complete Application.** The Planning Director and City Staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.

3. **DRC Review.** Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed plat and submit a report to the Planning Commission prior to the meeting where the Planning Commission will review the Final Plat application.

4. ~~**Planning Commission**~~**Approval.** The Planning ~~Commission~~ Director shall ~~conduct a public hearing and~~ review the proposed Final Plat to determine whether it is in compliance with the City Code.
   a. If the proposed plat complies, the Planning ~~Commission~~ Director shall approve the plat and authorize the Mayor to sign the plat.
   b. If the proposed plat fails to comply, the Planning ~~Commission~~ Director shall deny the plat, or may continue the decision ~~with direction to the City staff to~~and return it to the developer along with a written list of deficiencies that must be corrected before the Planning ~~Commission~~ Director will authorize the Mayor to sign it.
   c. The Planning ~~Commission~~ Director is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.

5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

6. **Application Requirements.** Applications for Minor Subdivision plats shall include the following items:
   a. application form completed and application fee paid;
   b. updated Preliminary Title Report;
      i. The Title Report must also demonstrate that the proposed minor subdivision has not been involved in any prior minor subdivision;
   c. Minor Subdivision Plats shall conform to all of the requirements for Final Subdivision Plats layouts as provided in section 19.12.03.

(Ord. 14-23, Ord. 14-4)

19.13.04. Specific Development Processes and Submittal Requirements.

1. This Section of the Chapter identifies the development processes for each of the major types of developments within the City of Saratoga Springs. The following table is a non-exhaustive summary of these processes, and specifies who acts as the land use authority for each:

Process and Land Use Authority ➔	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Approval
Development Type ⬇					
Change of Use Permit**	X				
Concept Plan	**X -** *Informal review only*				
Conditional Use – New Construction		X	X		X
Conditional Use – Existing Building or Site**	X				
Development Agreement (DA)					X
DA or MDA Amendment – Minor	X				
DA or MDA Amendment – Major					X
Home Occupation*	X				
Lot Line Adjustment	X				
Master Development Agreement (MDA)		X	X		X
Minor Subdivision	**X**	~~X~~		~~X~~	
Planned Unit Development		X	X		X
Plat, Amendment**	X				
Plat, Condominium and Final	**X**				~~X~~
Plat, Preliminary		X	X	-	X
Site Plan		X	X	-	X
Site Plan Amendment - Minor	X	~~X~~		~~X~~	
Site Plan Amendment - Major		X	~~X~~	X	~~X~~
Temporary Use	X				

* May be approved by staff unless staff determines Planning Commission approval is necessary based on the criteria in § 19.08.03.
** May be approved by staff unless Planning Commission or Council approval is required per §19.12 or §19.13.

19.14.06. Application.

8. **Site Plan Application and Approval Process.**
    a. All persons seeking Site Plan approval shall submit an application to the Planning Department for review by the City's Development Review Committee (DRC).
    b. Complete engineering drawings for all on-site and off-site improvements must be provided prior to the Site Plan application being scheduled for any public meeting or hearing. The Engineering Department and Development Review Committee shall review the drawings for compliance with City ordinances, regulations, and standards.
    c. New site plans shall follow the process below:
        i. Prior to being scheduled for any public meeting or hearing, the developer shall provide a soils report for the development.
        ii. Upon compliance with the Development Review Committee's recommendations, the revised application shall be forwarded to the Planning Commission for a public hearing and possible recommendation.
        iii. Upon recommendation by the Planning Commission, the application shall be forwarded to the City Council.
        iv. The City Council shall review and take action to table, approve, deny, or to modify the same.
        v. Upon action by the City Council on the Site Plan application, the City Recorder shall prepare written minutes of the decision.
    d. Amended site plans shall follow the process below:
        i. Minor amendment: an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning ~~Commission~~Director.
        ii. Major amendment: an amendment that alters the density, intensity of use, amount of open space or unit type, and may be approved by the Planning Commission following a public hearing. ~~shall follow the same process as a new site plan.~~

Exhibit 6 – Mixed Waterfront

GENERAL PLAN

h. **Mixed ~~Lakeshore~~Waterfront.** The Mixed ~~Lakeshore~~ Waterfront designation guides development patterns at key locations along the Utah Lake shoreline and Jordan River. This designation accommodates 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 that their lakeshore and riverfront locations provide. Appropriate mixtures of land-uses would include retail, residential, and/or resort properties. Low Density Residential, Medium Density Residential, and Neighborhood Commercial land uses would be considered appropriate for this land use designation. A mix of 80% residential and 20% commercial use in the Mixed ~~Lakeshore~~ Waterfront designation is the goal. The City will review each proposal on an individual basis to determine an acceptable ratio for the residential and commercial components.

Given the broad range of land-uses that will be included in this area, a sense of consistency, place and arrival will be established with the integration of stylized architecture and proper site design. Developments in the Mixed ~~Lakeshore~~ Waterfront area will be required to maintain and enhance public access to the lakeshore and riverfront and associated facilities (trails, beaches, boardwalks).

Developments in these areas shall contain landscaping and recreational features as per the City's Parks, Recreation, Trails, and Open Space Element of the General Plan. In this land use designation, it is estimated that a typical acre of land may contain ~~3~~ 10 equivalent residential units (ERU's).

CODE

19.04.25. Mixed ~~Lakeshore~~ Waterfront (~~ML~~MW).

1. **Purpose and Intent.**
   a. The purpose of the Mixed ~~Lakeshore~~ Waterfront (~~ML~~MW) Land Use Zone is to allow for 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 that their lakeshore and riverside locations provide. Appropriate mixtures of land uses include retail, residential, and resort properties.
   b. Low Density Residential, Medium Density Residential, and Neighborhood Commercial land uses, as listed in the tables in Section 19.04.07, are considered appropriate uses for this zone. The goal is to accomplish a mix of 80% residential ~~uses~~ land area and 20% commercial ~~uses~~ land area in this zone, and no development containing less than 20% commercial land area will be considered. ~~The City will review each proposal on an individual basis to determine an acceptable ratio for the residential and commercial components.~~
   c. This land use zone recognizes that in order for the City to be a well-rounded community, many different housing styles, types, and sizes should be permitted. Residential densities in this zone shall not exceed ~~6~~ 14 ERUs per acre.
   d. Other important characteristics that must be addressed in this land use zone include neighborhood services and facilities, social gathering places, attractive landscaping,

convenient access to public areas along the lakeshore, appropriately-placed parking, a sense of personal safety, well-maintained housing, and attractive parks.

e. Certain land uses have been identified as either ancillary uses or edge uses only.

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Mixed ~~Lakeshore~~ Waterfront Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Mixed ~~Lakeshore~~ Waterfront (~~ML~~MW) Zone, with some uses identified in that section limited to edge or ancillary use only.

4. **Minimum Development Size and Lot Sizes.**
   a. The minimum size requirement for development in this zone is ~~40,000 square feet~~one acre.
   b. Lots within a ~~40,000 square foot~~one acre or larger development may be created based upon an approved Master Development Plan contained in a Master Development Agreement.
   c. All developments in this zone are required to develop a Master Development Plan that includes maps and descriptions of how the entire property is anticipated to develop (see Chapters 19.12, 19.13, and 19.14) and to enter into a Master Development Agreement.
   d. The minimum lot size for single family dwellings is 5,000 square feet. For multi-family structures where each unit is separately owned, the minimum lot size shall be based on each building rather than each individual unit.
   ~~d.~~e. Home Occupations may require a minimum lot size greater than 5,000 square feet based on the requirements of Chapter 19.08. Each Home Occupation will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.
   ~~e.~~f. ~~The minimum lot size for any non-residential use in this zone is one acre.~~ Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
      1. the maximum number individuals using the building at one time;
      2. the number of required off-street parking required in this Title;
      3. traffic and transportation concerns;
      4. compatibility with adjacent uses;
      5. adverse impacts on adjacent uses; and
      6. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.
   ~~f.~~g. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.

5. **Setbacks and Yard Requirements.**
    a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
    b. All primary buildings in this zone~~, including accessory buildings,~~ are required to maintain minimum setbacks as follows:
        i. Front: Twenty-five feet.
            1. For single family structures or multi-family structures, the front plane of the home may encroach by up to ten feet into the required setback, if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback for the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
            2. An unenclosed front entry or porch may encroach up to five feet into the twenty-five-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.
        ii. Sides:
            1. single family structures: 5/10 feet (minimum/combined);
            2. multi-family and non-residential structures: 5 feet to property line or 10 feet between structures, whichever is greater.
        iii. Rear: 15 feet
    c. Corner Lots:
        i. There shall be a minimum setback on corner lots as follows:
            1. Front: 20 feet
            2. Side abutting street: 15 feet
        ii. The front setback and the side setback abutting the street can be reversed, but in no case shall the two setbacks be less than 20 and 15 feet.
    d. All accessory structures in this zone are ~~required to~~ subect to the standards identified in Section 19.05.
    ~~d.~~e. Accessory structures requiring a building permit shall be set back a minimum of 5 feet from rear and interior side property lines, and shall not be placed within any front or street-side yard area.~~maintain at least five feet of distance from all sides of the accessory structure to any other structure~~.
    ~~e.~~f. There shall be a five foot minimum separation between all sides of the accessory buildings and ~~dwelling units~~any other structure in this zone.

6. **Minimum Lot Width.** For single family homes, the minimum lot width shall be no less than ~~50~~ 40 feet. For multi-family structures where each unit is separately owned, the minimum lot width shall be based on each building rather than each individual unit.

7. **Minimum Lot Frontage.** For single family homes, the minimum lot frontage shall be no less than 35 feet. All other uses in this zone shall have at least 100 feet of frontage along a public or private street. For multi-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual unit.

8. **Maximum Height of Structures.** No structure in this zone shall exceed 40 feet in height.

9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%. For multi-family units where each dwelling is separately owned, the maximum lot coverage shall be based on each building rather than each individual unit.

10. **Minimum Dwelling Size.** Every dwelling unit in this zone shall contain a minimum of 1,000 square feet of living space above grade.

11. **Development Standards.** The following development standards shall apply to this zone:
    a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
    b. **Landscaping Buffers.** For multi-family and non-residential structures, Front yards and other yard areas facing a public street shall have a landscaped area of not less than15 linear feet. There shall be a minimum of 10 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. (See Chapter 19.09, Off-street Parking Requirements.)
    c. **Commercial Uses.**
        i. No commercial use may be placed within 200 feet of single family development existing at the time of commercial development.
        ii. The majority of commercial uses shall be located adjacent to the waterfront. Where the main access road to the development also intersects with an arterial, a minority of the commercial development may be located at this intersection.
    d. **Density Transition**. Where development abuts existing single-family development, similar low densities shall be placed adjacent to the existing development, which may then transition to higher densities as distance from existing development increases.
    ~~b.~~e. **Access**. Primary access to a Mixed Waterfront development shall not occur on local roads through existing single-family residential neighborhoods, and shall occur on collector or arterial roads.

12. **Open Space and Landscaping Requirement.** There shall be a minimum requirement of 25% of the total residential project area to be installed as open space for either public or common space not reserved in individual lots, and a minimum requirement of 25% of the total commercial project area to be installed as landscaping. ~~Such o~~Open space shall meet the definition in Section 19.02.02. If the open space is common space, the developer shall record a public access easement at plat recordation. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (13) below.

13. **Sensitive Lands.**
    a. Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development and no development credit shall be given for sensitive lands.
    b. All sensitive lands shall be placed in protected open space.
    c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

14. **Timing of Open Space and Landscaping Installation.** All open space and landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions -where weather conditions prohibit the completion of approved and required ~~landscaping~~ improvements in accordance with Section 19.06.05. . It shall be the responsibility of the property owner to maintain all approved open space and landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

15. **Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

(Ord. 14-13)

19.26.04. Uses Permitted within a Planned Community District.

1. **Permitted and Conditional Uses.** Since the character and land use designations of each Community Plan may vary widely, a specific list of uses that are permitted by-right or conditionally permitted is not dictated in this zone. Instead, the detailed list of uses that are permitted by right or conditionally permitted shall be established in each Village Plan. Generally, however, the establishment of uses that are permitted by right, or conditionally permitted within a particular Village Plan, shall be guided but not limited to the following Sections of the Land Development Code:
    a. Agricultural: Subsections 19.04.08 (2) and (3).
    b. Residential: Subsections 19.04.09 (2) and (3).
    c. Neighborhood Commercial: Subsections 19.04.20 (2) and (3).
    d. Mixed Use: Subsections 19.04.21 (2) and (3).
    e. Regional Commercial: Subsections 19.04.22 (2) and (3).
    f. Office Warehouse: Subsections 19.04.23 (2) and (3).
    g. Industrial: Subsections 19.04.24 (2) and (3).
    h. Mixed ~~Lakeshore~~Waterfront: Subsections 19.04.25 (2) and (3).
    i. Business Park: Subsections 19.04.26 (2) and (3).

City of Saratoga Springs
Planning Commission Meeting
August 13, 2015
Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Planning Commission Minutes

Present:
Commission Members: Jeff Cochran, Jarred Henline, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore
Staff: Kimber Gabryszak, Kevin Thurman, Nicolette Fike
Others: Carl Ballard, Stan Steele
Excused: Kirk Wilkins

Call to Order - 6:33 p.m. by Chairman Jeff Cochran
Pledge of Allegiance - led by Jared Henline
Roll Call ï A quorum was present

Public Input Open by Chairman Jeff Cochran
No Comments.
Public Input Closed by Chairman Jeff Cochran

4. Public Hearing: Rezone for 400 North Redwood Road, Mike Carlton, applicant. Continued to September 10, 2015.

Public Hearing Open by Chairman Jeff Cochran
No comments.
Public Hearing Closed by Chairman Jeff Cochran

Motion made by Jared Henline to continue the Rezone for 400 North Redwood Road, Mike Carlton, applicant to September 10, 2015. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Jeffrey Cochran, Ken Kilgore, Jarred Henline. Motion passed unanimously.

5. Work Session: Discussion of Code Amendments for the City of Saratoga Springs Land Development including Mixed Lakeshore, fencing, development review process, and others.
Kimber Gabryszak gave an overview of the proposed amendments. Planning Commission asked questions for clarification and gave their input.

- 19.02, Yard Definition ï cleaning up definition to avoid confusion, and replacing graphics.
- Multiple sections, Gateway ï removing the Gateway definition and references from Code, as the defined Gateway is no longer the primary entrance into the City.
- 19.05, multiple ï
  - Standards for Auto Sales and Large Parking Lots and Vehicle Storage

Jeff Cochran brought up a height limit for display areas. He suggested that it be the same height as the landscaping around that area.
Sandra Steele asked about a berm being required. She is concerned about something like a hedge that would not be grown enough to begin with. She asked if the cars would be considered a sign.
Kimber Gabryszak said they have proposed a berm or a screen wall, not a hedge, which would serve the same purpose. She said the cars themselves would not be considered a sign, only if they had signs on them. With their draft sign code it does specify which signage is prohibited.

David Funk asked along the same line, if it was illegal for there to be trucks parked with signs along the road.

Kimber Gabryszak replied that signs were permissible on company vehicles as long as it was mobile. She asked if there should be a maximum height allowed for berms.

Discussion was held about a height limit with thoughts to additional platforms that might be on top of a berm. It was suggested a combined total height of 6 feet be allowed. Also a suggestion that the top of the displayed vehicle not be more than 10 ft. when displayed.

- 19.06, multiple ï
  - Discussion of planting standards for trees not in ROW
    - Subcommittee has recommended applying the Engineering planting standards to commonly and HOA owned open space and landscaping. This is only for required plantings.

Sandra Steele thought that the diameter at breast height, between a tall person and short person is too subjective. She thought it should be a clearer standard.

Kevin Thurman thought the standard caliper of a tree is read near the ground at most nurseries.

Sandra Steele noted that we have no planting standards for required trees in commercial areas.

Kimber Gabryszak said we do have basic standards for required trees; they donôt have standards for size of root ball and how to prep the soil. There are theories for the best way to plant a tree, for a commercial development it comes down to the commercial owner to maintain the landscaping.

Kevin Thurman commented to keep in mind with planting standards that if we put all these standards in the code it puts the burden on the city to enforce it also. He suggests adopting clearly defensible standards. There are too many theories on planting; you need to be careful with establishing planting standards

Jeff Cochran supports that we should be very careful in giving direction to things that have multiple opinions on best practice.

Sandra Steele reiterated that she wasnôt talking about planting standards, but more mulch treatments around the trees.

Ken Kilgore commented on future trends for things like xeriscaping.

Kimber Gabryszak noted we amended the code last summer that allowed for a higher level of xeriscaping and lowered the turf amounts. Some members of Council were concerned about heat islands. We have a lot in the code to mitigate that already. Some cities have required that no rock be in the drip line. They learned those cities donôt have the wind issues we have that blow the mulch away. With the rock, studies have found it is not harming the root system. There are multiple recommendations out there.

Jeff Cochran commented that he would vote to strike the requirement to follow the public planting standard.

Kevin Thurman thought they could require HOAs to replant any required plantings when they die.

Hayden Williamson thought they could say if you donôt comply then they could bond in case the city has to replace it.

Kimber Gabryszak responded that there limits to how long we can require a bond, there are things we can look at for maintenance and compliance.

Ken Kilgore thought we do want to require the HOA to maintain the landscaping.

Hayden Williamson said we are trying to tell the developer to be responsible with their planting so that so many trees donôt die in the future.

Kevin Thurman said they are hearing from landscaping companies that larger caliper trees have a harder time surviving.

Sandra Steele did research on line that agrees with the smaller caliper tree that has the better survival rate.

Kimber Gabryszak said right now they want to make this more functional and feels with the move to more xeriscaping and enforcement issues and water issues in the future we will need to look at this further.

DRAFT

Hayden Williamson thought we could look into opening the standards to where we are not dictating but still at the same time encouraging smart practices.

Kimber Gabryszak is in favor of striking it as well as long as they put in some good maintenance language.

Kevin Thurman suggested you could have a requirement that planting standards be submitted along with landscaping plans.

- Discussion of location where fencing should drop to 3ô height for corner lots
  - Subcommittee has recommended allowing 6ô fencing up to the property line, with the requirement that fencing be set back 15ô from the intersection of driveway and sidewalk.

Kimber Gabryszak showed various examples of street side yard fence options. The Code committee and staff felt the compromise option was the best but we donôt require building permits for fences and we have a lot of situations in the city were the fence is already built to the sidewalk.

Jeff Cochran said his thoughts were consistent with that view.

Hayden Williamson asked if there were fencing standards to corner lots with rear or side load driveways.

Kimber Gabryszak said they have clear view requirements regardless.

- 19.13 ï Process
  - Discuss potential delegation of approvals to streamline processes

Hayden Williamson liked the changes.

- General Plan and 19.04 ï Mixed Lakeshore
  - Change name to Mixed Waterfront, add clarifications, and modify standards. The intent is to change the Mixed Lakeshore to Mixed Waterfront and be able to apply it to not just the Lake but the Jordan River as well. They have been trying to make it more useable. They want to enable more commercial uses. It addresses density transition.

Sandra Steele said the general plan advises 10 units per acre, how did we get to 14.

Kimber Gabryszak said it was the way it was worded for a typical acre of land and the intent. 14 is the maximum but they couldnôt do that everywhere because they would have to transition the density.

Ken Kilgore feels waterfront property is considered nice and an asset for larger lots. It seems like this requires high density on waterfront.

Kimber Gabryszak responded that when the Mixed Lakeshore was created it was meant to allow for little shops to enjoy the community along the lakeshore. But the density in the code isnôt enough to want developers to do that. They looked at other areas with river walks that suggest much higher densities like 40. Those other similar communities do seem to benefit from the higher density. We have a lot of lakeshore but a limited amount that is left and developable. Some is in wetlands. They donôt want to burn through all the river lots with private access large lot homes, more density entices businesses.

Hayden Williamson asked if this gave us teeth to ensure we had commercial going in and not just condos.

Kimber Gabryszak said there is something like that, but they could put something more strict.

Ken Kilgore wondered how that would fit with the affordable housing act.

Kimber Gabryszak said they will help with affordable housing act if they priced them that way but along lakefront you donôt generally see that.

Kimber Gabryszak commented that with potential changes the first step is to re-designate areas. She showed some potential areas for the change along the river. All these property owners would be given public notice and they would be given a voice in the matter.

Sandra Steele thought it had been discussed before but any roads coming in to Mixed Lakeshore should be away from existing single family homes. She said we didnôt want them to put all the commercial closest to Redwood Road.

Kimber Gabryszak replied that we did have the discussion but we never came up with a solution. Some businesses would make more sense to be closer to Redwood Road.

DRAFT

Kimber Gabryszak brought up more about Landscaping. She said that we have had a lot of complaints of people not getting their back yards put in. Code enforcement is out enforcing on backyards now. They are not waiting for complaints right now because itôs not fair or consistent. They are looking at aerials and sending notices to those that donôt have landscaping in. A question came up that with larger lots it may not be feasible to require tha they landscape the whole lot. They have proposed to permit a limited percentage of bare ground and native grasses as part of a manicured landscaping. Lots 1/3 acre and smaller fully landscaped, larger than 1/3 acre they would require a minimum of 1/3 acre be landscaped. The weeds would need to be kept to a reasonable level that the Fire Chief recommends.

Ken Kilgore feels the 1/3 requirement seems regressive, that those who canôt afford the bigger lots have to fully landscape but the larger lots which cost more, those that can afford more donôt have to do as much.

Kimber Gabryszak noted that was one reason they went with the larger lot and that many of the larger lots also have animal rights and it makes more sense to have the native. If the smaller lots donôt landscape it tends to have a bigger impact in their areas.

Jared Henline feels this is saying what is practical for what they have, especially with conservation in mind. Just because someone has a bigger lot doesnôt mean we want them to do that. We canôt assume that because they have a bigger lot they have more money. We are looking at the bigger picture of what we want landscaped and why.

Ken Kilgore understands why we should do that, but it doesnôt feel quite fair.

Sandra Steele is concerned about what they have seen in the past along Redwood Road, along the golf course. For many years they would only come through once or twice a year to take care of it and the weeds get too high and over grown. Some native species are too noxious. If we do allow them to do that, it would be nice to require a fence.

Hayden Williamson doesnôt think this is something the city needs to enforce, turn it over to the HOAs and put some stronger language in about weed control to protect the neighbors around you.

Jeff Cochran thought it was appropriate. Someone with a larger parcel may not want or need to seed the whole area, especially with thoughts to water conservation, but in smaller lots itôs more impactful to the closer lots.

Kimber Gabryszak will take comments and work further on it.

Sandra Steele wanted to comment on bare dirt. If you have a garden or orchard then bare dirt is acceptable but in some cultures a swept dirt yard is beautiful. Is there any way where they could only allow a certain amount?

Kimber Gabryszak said they would propose only in back yards and when it is in accordance to similar planting usage. They do want to make sure this is fair to the city overall.

Ken Kilgore noted there are quite a few competing interests with animals and water rights etc. once you buy a lot, you are responsible for that lot and why should a larger lot get a break.

Sandra Steele said the code notes we have to landscape the front in a year and the backyard in two. But there is nothing in the code to say you must maintain the landscaping you put in.

Kimber Gabryszak said it was covered in another section (19.06.03).

David Funk commented that some of the area that is not landscaped or kept us is City property (or State) that is not being maintained.

Sandra Steele noted there are some properties that were cross fenced and they are not maintaining the weeds between. She asked if there was code that weeds needed to be kept a certain height.

Kimber Gabryszak has not checked with the fire department to see what the height is.

6. Approval of Minutes:

1. July 30, 2015.

Motion made by Hayden Williamson to approve the Minutes of July 30, 2015. Seconded by Sandra Steele. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Ken Kilgore. Abstain: Jared Henline, David Funk. Motion passed.

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7. **Reports of Action**. ï No Reports

8. **Commission Comments.**
Sandra Steele went to see The District to look at their lighting. She noted the Champagne color does blend in. She went above to look down and she was impressed with the lighting design and low level of light. She noted she met with the developer last week also.

9. **Director's Report:**
- Council Actions
  - Last meeting was budget amendments and work session on The Crossing.
- Applications and Approval
- Upcoming Agendas
  - Sept 10th they should see a rezone and concept plan, Tractor Supply and Turf Farm and Aquatics Academy. They are waiting for resubmittals and are hopeful to see them. Possibly The Crossing.
  - Next meeting public hearing on code amendments.
- Other
  - Tonight is Jared Henlineôs last meeting.
  - There will be two new Planners joining staff.

10. **Motion to enter into closed session.** - No closed session.

Meeting adjourned by Chairman Jeff Cochran

Adjourn 8:20 p.m.

_____ _____
Date of Approval Planning Commission Chair
Jeff Cochran

_____
Lori Yates, City Recorder

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