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**Minutes**  
**WASHINGTON CITY PLANNING COMMISSION**  
**April 16, 2014**

Present: Commissioner Schofield, Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Papa, Commissioner Martinsen, Attorney Jeff Starkey, Councilman Nisson, Drew Ellerman, Lester Dalton, Kathy Spring, Pete Best, Bruce Neil, Dan Johnson, Robert Bezak, Nancy Bezak, Suzanne Girouard, Robert Girouard, Kelly Lane, Dennis Lynn, Martin Lane, Julie Hillinger, Gary Snavelly, Roxanne Wilstead, Randy Wilstead, Glen Carnahan, Glenn Stephens, Karen Killian, Dell Killian, Tom Evans, David Stephens, Susan Stephens, Ken Miller.

Meeting called to order: 5:35 P.M.

Invocation: Commissioner Williams

Pledge of Allegiance: Commissioner Martinsen

1. APPROVAL OF AGENDA

A. Approval of the agenda for April 16, 2014.

Commissioner Martinsen motioned to approve the agenda for April 16, 2014.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from April 2, 2014.

Commissioner Shepherd motioned to approve the minutes from April 2, 2014.

Commissioner Williams seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. FINAL PLAT

A. Consideration and recommendation to City Council for a Final Plat The Presidio Subdivision located at approximately southwest corner of Washington Dam Road and Arabian Way. Applicant: Stacey Hughes

### **Background**

The applicant is requesting approval of a final plat for The Presidio subdivision, located at approximately at the southwest corner of Washington Dam Road and Arabian Way. This particular subdivision is proposing 9 lots on an area covering 2.861 acres. The specific location of this subdivision is zoned Single-Family Residential - 10,000 square foot min. (R-1-10). The Preliminary Plat was approved back on February 26, 2014.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved preliminary plat.

### **Recommendation**

Staff recommends that the Planning Commission recommend approval of the Final plat for The Presidio subdivision to the City Council, based on the following findings and subject to the following conditions:

### **Findings**

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

### **Conditions**

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

**Commissioner Williams motioned to recommend approval to City Council with the findings and conditions of staff.**

**Commissioner Shepherd seconded the motion.**

**Motion passed unanimously.**

### 5. MINOR SUBDIVISION

- A. Recommendation for approval of the Sienna Hills Elementary Minor Subdivision located at approximately 850 North 1900 East. Applicant: Washington County School District

### **Background**

The applicant is requesting approval for the Sienna Hills Elementary Minor Subdivision, located at approximately 850 North 1900 East, Sienna Hills PCD. The applicant is wishing to break off a parcel from the existing property owned by SITLA in the form of an 11.03 acre future school site and a road dedication area of 2.36 acres that will go to the city upon build out at a future date. The property is located within the Sienna Hills Planned Community Development (PCD).

Staff has reviewed the requested proposal, and the proposed Sienna Hills Elementary Minor Subdivision, conforms to the intent of the General Plan and meets the standards as set forth in the Zoning Ordinance and the Subdivision Ordinance of the city.

### **Recommendation**

Staff recommends that the Planning Commission recommend approval the Sienna Hills Elementary Minor Subdivision to the City Council, based on the following findings and subject to the following conditions:

### **Findings**

1. The minor subdivision conforms to the land use designation as outlined in the General Plan for the proposed area.
2. That the minor subdivision conforms to the Washington City Subdivision Ordinance as outlined.

### **Conditions**

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. That a post maintenance agreement be recorded prior to the recording of the final plat.
5. The access (ingress and egress) to and from the properties shall be reviewed and approved by the Public Works Department before the recording of the plat.
6. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
7. A final geotechnical study shall be submitted to the City for review and approval. All recommendations of the geotechnical study shall be adhered to.
8. Construction drawings shall adequately address prevention of nuisance storm water drainage across the lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
9. Any required landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
10. If a traffic study is deemed to be necessary by the Public Works Department, one shall be submitted for review and approval, prior to any site work or any building permits approved and issued.

Commissioner Schofield asked what the size of the property.

Mr. Ellerman stated 11.3 acres.

**Commissioner Shepherd motioned to recommend approval to City Council with the findings and conditions of staff.**

**Commissioner Williams seconded the motion.**

**Motion passed unanimously.**

6. ZONE CHANGE

- A. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-14-03 to change a portion of lot 36 from PUD Planned Unit Development to OS Open Space located at 338 West 1725 South. Applicant: Perry Development, Greg Sant

**Background**

The applicant is requesting approval to change the zoning of approximately 4.6 acres, located approximately at 338 West 1725 South. The requested change is from the current zoning of Planned Unit Development (PUD) to a proposed Open Space (OS) zoning designation. For the reason(s), that currently such a large portion of this parcel (lot 36 of the Summerfield Lane subdivision) is within the floodplain and really cannot be developed. It can however be used, for example, as a horse property or something similar.

The General Plan Land Use Designation for this location is Open Space (OS) and is surrounded to the north and west by Open Space (OS), with Estate Residential (EST) to the south, and Open Space (OS) and Low Density Residential (LD) to the east. The surrounding zoning to this parcel is Planned Unit Development to the east, Residential Agricultural - 2 Ac. min. (RA-2) to the south and west, and Open Space (OS) to the north.

Staff has reviewed the requested zone change and finds it to conform to the General Plan, the Zoning Ordinance and surrounding development.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of Z-14-03, for the zone change request from Planned Unit Development (PUD) to Open Space (OS), to the City Council, based on the following findings.

**Findings**

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. The utilities that will be necessary for this type of development will be readily accessible to the site.

Mr. Ellerman stated there was a letter submitted regarding CC&Rs and not being able to allow for horses which they wouldn't be able to do in the current zone but the city does enforce CC&Rs.

Commissioner Williams asked for clarification of the location.

Commissioner Schofield asked if the developer knew this was in the flood plain at the time this was being developed.

Commissioner Smith asked if this is in the Summerfield Lane Estates PUD and if this is just to address this lot.

Mr. Ellerman stated yes there is a 50-foot water line that has to do with the Water Conservancy District.

Greg Sant explained they purchased the phase 1 and 2 properties and the original intent was to tie into the Adamson's but in phase 2 it became obvious that it would not happen. There are only two lots left 35 and 36 to complete the subdivision. This request is for lot 36 to make it marketable because it is in the flood zone. There has been interest in the property to use as horse property. There is concern with what to do with the property and the tax base. The assessor's office stated it would change the taxes if the zone change were granted but not sure to what.

Commissioner Schofield asked if the open space allows for less in property tax.

Mr. Sant stated it would be less but doesn't know what it would be. The lots were supposed to be in phase 3 but then they realized phase 3 wouldn't happen.

Commissioner Williams asked if this lot has been flooded.

Mr. Dalton stated yes in 2010.

Commissioner Williams stated that happened on Alamosa and it had to change to flood zone restriction. He stated he lives in Pine View and hasn't had any problems with animal smell or any problem with having animals in the area.

Mr. Sant stated they don't know if people would purchase the lot and use it for horses or animals, it is away from the other homes in the area and they know it is in the flood plain. There would not be any structures in the flood plain area.

Commissioner Schofield asked for clarification of the flood plan in regards to lot 35 and 36.

Mr. Sant stated the lot is 4.6 acres but only 1/2 acre is in the buildable area. They could do an amendment to split the lot but then a portion of the lot wouldn't be viable. This was just the best option they saw for this lot.

Commissioner Schofield opened the public hearing.

Gary Snavelly stated he is the president of the HOA but the people that live in the subdivision are opposed to this. They aren't against horses but wants the PUD zoning. He stated there has been a for sale sign for the last 3 months so he doesn't see they have been trying aggressively to sell it. He stated they have a list of reasons why this shouldn't be rezoned.

Commissioner Schofield asked Mr. Snavelly how long he has lived there.

Mr. Snavelly stated 3 1/2 years before he lived in Stonecreek Meadows.

Commissioner Schofield asked Mr. Snavelly if he knew there were other horse properties and arenas in the area when he bought into his subdivision.

Mr. Snavelly stated no. He understands why they want to do the horse property they just don't want any more. He complained about noticing that the sign was only posted 3 days prior to the meeting on lot 35. He stated the lady at the office said notice went out 300-foot radius and he isn't in the 300 foot. He stated in open space they could put in a cemetery, airport and other unrealistic uses.

Mr. Ellerman stated that is what is possible with a conditional use permit but some uses wouldn't be considered in this area.

Commissioner Schofield asked people to not be repetitive in their comments.

Dan Johnson stated he lives on lot 25 and his concern is to the south is Pine View Estates and there isn't any access other than through their subdivision. Second is the water to the south of Pine View Estates is irrigation water. Third is he works as a hearing officer for tax appeals and this would increase the tax as it is. Now it is surplus property.

Marty Lane stated he is opposed to the zone change because he doesn't want horse property use. He stated his parents looked at this area but choose not to because they didn't want to be by horse property. He stated he feels this would decrease his property value.

Pete Best stated he owns lot 37 and is ready to build on it. He stated he lives currently on 1725 East doesn't want to be living by horses, his children have been affected by the horses.

Commissioner Schofield asked why the children were affected.

Mr. Best stated the horses run loose and it is a safety issue.

Julie Hillinger stated she knows the Planning Commission doesn't enforce CC&Rs. She stated she is on the St George Planning Commission and she deals with this in Little Valley.

Commissioner Schofield stated in Little Valley it exists already. This is the opposite of this. He stated he has issues with people wanting the horse property to go away. He stated there has been a comment that they don't have issue with horse property. People need to do their due diligence of what is in the area.

Karen Killian stated she lives in lot 38 and when the corral was built it brought in flies. They didn't know when they moved there the corral hadn't been built.

Mr. Kellian stated the Adamson's built the open corral after they moved there with a stadium and lights. He stated he understands their lot would increase in taxes but would the change would decrease their property.

Randy Wilstead stated he lives on lot 13 and his concern is behind his there are goats and they are in his yard. They stink and any one that lives around animals knows they stink. They haven't paid any HOA dues. Premier who was the original builder built Summerfield. He stated his brother had the area where the horses are.

Commissioner Schofield asked if he were the owner and wanted to stand alone, what would he do with that lot.

Mr. Snavelly from the audience asked Mr. Wilstead to not answer the question.

Dan Johnson stated he couldn't amend the plat without notice because it is legally recorded. And anyone within 300 foot would have to sign the plat and they wouldn't.

Commissioner Schofield asked if they want lot 36 to remain as it is.

Mr. Johnson stated yes that is how it was created.

Commissioner Shepherd asked if the portion were to be taken out of subdivision and the property could be accessed from the other side instead of through the subdivision, would he be against it.

Mr. Johnson stated they legally created the subdivision and it is what it is unless the residents in Summerfield agree to it. He stated he isn't as close to this but this will affect others.

Attorney Jeff Starkey stated he would like be glad to give training any time but this is for a zone change. A zone change is something to take seriously because it gives a certain use but it shouldn't be discussed as far as an amendment.

Pete Best stated if there is a lot line adjustment it is a part of the subdivision and if they take it away it could be used as horse property and he understood this was already a type of open space.

Gary Snavelly stated there appears to be a problem with using the extra property because there is buildable area and with that large property there is enough buildable property.

Commissioner Smith motioned to close the public hearing.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Mr. Sant stated he apologizes for not talking to the HOA before he submitted the request for the zone change. He just made a call to the assessor's office but doesn't know what the property value would be. He stated in the CC&Rs the developer isn't required to pay the dues. They bought the property in 2003 and the Wilstead or the Adamson's had horses so there were horses in the area and the riding ring came in later. Their intent was to use that property as horse property. They put a sign up for 10 months and all the calls were concerned with what was buildable. That is why they are trying to do what they are doing now. If there is buyer that want to do horses there could access through the Adamson's and work with them. The comment that this is open space and is part of this lot shouldn't have an affect on other lots.

Commissioner Schofield stated his concern is that the original intent of the developer is not what the request is for tonight.

Mr. Sant stated with PUDs gave them what they wanted to develop this subdivision but horses aren't allowed and they knew this originally.

Commissioner Smith stated this request doesn't change the size of the lot.

Mr. Sant stated it is because most of the lot is in the flood plain and so they are limited.

Commissioner Smith stated there are a lot of other things that could be done privately such as soccer field or a putting green. He stated he would rather see open space in a flood plain. He stated his understanding from Mr. Sants comments that people don't want to buy because they can't build but the property can be used with a home on the buildable portion. Commissioner Smith stated the size is the same.

Mr. Sant stated if they raise it out of the flood plain but the assessor looks at the PUD and what is buildable area.

Commissioner Smith stated if it was commercial they couldn't build in a flood plain.

Commissioner Schofield stated to bring it out of the flood plain and redo the lot to make more lots. There are things that could be done so it isn't impossible.

Mr. Sant stated taxes are double for lot 36 than lot 35.

Commissioner Schofield stated he has a lot that they can't build on. Taxes go up when there is a pool so when things are added it does affect taxes.

Mr. Sant stated all he is trying to do is make the lot sellable. He is working with someone on lot 35 and they don't have a problem with the horse property. He stated he didn't feel this would affect them any more than what is already there and the horses that are already there.

Commissioner Smith stated it still falls under the CC&Rs and according to the letter it is restricted to residential use and not have animals.

Commissioner Papa asked for clarification about the Water Conversancy?

Mr. Sant stated anything along the river they want.

Mr. Ellerman stated with the open space there would have to be with a conditional use and most of it wouldn't be allowed. He explained that the notice was put on the property next to this because he could put it in the ground in front of lot 36.

Commissioner Shepherd stated this doesn't seem to be unreasonable but her concern is the problem with the access to horse property through the subdivision. She stated she understands why the request and there are animals there and that doesn't bother her but zone changes open up future possibilities that could be more intrusive and change the intent. She indicated that she would rather not agree to this request.

Commissioner Schofield stated his concern is the safety and access and mostly when there is a change from original intent. He felt that people moved there before the Adamson built their horse corrals. He stated he feels there are other alternatives for the property.

Commissioner Williams stated he is for the value of land but there are CC&R's and there are alternatives. Someone may come in and use the property for paint ball. He stated he agrees with people dealing with smells. He stated he would rather leave it as is.

**Commissioner Shepherd motioned to recommend to City Council denial based on original intent and design of the Summerfield Lane Estates and access.**

**Commissioner Williams seconded the motion.**

**Commissioner Papa Aye.**

**Commissioner Smith Aye.**

**Commissioner Williams Aye.**

**Commissioner Shepherd Aye.**

**Commissioner Schofield Aye.**

**Motion passed unanimously.**

## **7. DISCUSSION ITEMS**

### **A. Discussion of Planning Commission Training**

Drew Ellerman reviewed the Utah Cities and League training for Planning Commissioners.

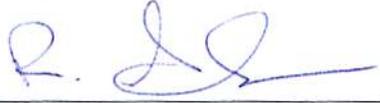
1. Listen. Be aware of what you say and how you say it.
2. Educate yourself.
3. Be polite and patient - show respect
4. Ask questions - Sift through the testimony for relevant planning information corroborated by evidence.
5. Do your homework - have information before the meeting
6. Avoid ex-arte contacts - politely say no, don't discuss a case, if it happens be non-committal prior to the meeting.

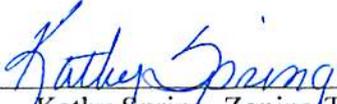
7. Conflict of interest - benefit financially is a conflict. Okay to disclose something that may be a conflict (living in a neighborhood is an example)
8. Attend ... and Contribute
9. Be independent and Informed - provide leadership in the solution of problems before they arise.
10. Make a difference

Commissioner Smith motioned to adjourn the Planning Commissioner meeting.  
Commissioner Williams seconded the motion.  
Motion passed unanimously.

Meeting adjourned: 7:50 PM

Washington City

Signed by:   
Rick Schofield, Chairman

Attested to:   
Kathy Spring, Zoning Technician