
Minutes
Regular Meeting
October 14, 2015

Present: Mayor Kenneth F. Neilson, Councilmen Garth Nisson, Thad Seegmiller, Kress Staheli, Jeff Turek, City Manager Roger Carter, City Attorney Jeff Starkey, City Recorder Danice Bulloch, Assistant Public Works Director Lester Dalton, Community Development Director Drew Ellerman, Police Chief Jim Keith, Audience: Liesl Matthews, Larry Belliston, Marge Belliston, Karen Whiting, Kolene Granger, Troy Belliston, Jordan Garrett, Kathy Cope, James Cope, John Cavanagh, Saudi Cavanagh, Jean Arbuckle, Brad Allen, Dennis Gibson, Jim Brent, Anita Brent, Holly Dukes, Lou Milne, Ron Romney, Marc Fonger, Eric McFadden, Matt Lowe, Howard Call, Rick Schofield, Bill Hudson, Mike Sanderson, Guy Sanderson, Terry Keefe, T. Hayle Nielsen, Jim Arregui, Shelleen Arregui, Dale Merrell, JoAnn Merrell, Kennson Cole, Jim Price, Paul Maag, Randy McDonald, Craig Engel, Jason Smith, Paul Farnsworth, Ethan Farnsworth, Devin Campbell, Gabe Holt, Landon Warby, James Holt, Austin Jones, Nathan Warby, Jack Reycroft, Glen Bringham, Bruce Furr, Ruth Furr

Excused: Councilman Ronald Truman

Meeting commenced at 6:04 P.M.

Invocation: Councilman Staheli

Pledge of Allegiance: Councilman Turek

1. **APPROVAL OF THE AGENDA**

Mayor Nielson asked that Item 5 be removed from the agenda.

Councilman Staheli made a motion to approve the agenda with the removal of Item 5.

Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. **ANNOUNCEMENTS**

City Manager Roger Carter announced the Grand Opening of Sullivan Virgin River Soccer Park

on November 2nd at 5:30 P.M.

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

None

4. **CONSENT AGENDA**

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 09/22/2015 and 09/23/2015.

BOARD AUDIT REPORT: Consideration to approve the Board Audit Report for September

Councilman Turek made a motion to approve the agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. **PLANNING COMMISSION APPOINTMENT**

A. Recommendation and consideration to appoint a member to the Planning Commission. Mayor Kenneth F. Neilson

Removed

6. **MINOR SUBDIVISION**

A. Consideration to approve a Minor Subdivision for the Smith Living Trust, a two lot subdivision, located at approximately 2700 E. Washington Dam Rd. Applicant: Leon and Ora Smith

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval for the Smith Living Trust Minor Subdivision, located at approximately 2700 East Washington Dam Road. The applicant is wishing to split the present 3.0 acre parcel into two lots. Lot #1 will be 1.36 acres, lot #2 will be 1.31 acres, and the remaining 0.33 acres will be dedicated to the city as part of the future expansion of Washington Dam Road (which will widened at a later date).

The proposed minor subdivision is currently zoned Residential/Agricultural - One Acre Min. (RA-1), with the surrounding zoning of RA-1 zoning to the west, Open Space to the south, and RA-2 to east and north.

The Planning Commission unanimously recommended approval of the Smith Living Trust 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.

Councilman Seegmiller asked about the circular notation on the plat.

Community Development Director Ellerman explained this is the current existing driveway, which will be changed upon development of the second home.

Councilman Staheli made a motion to approve a Minor Subdivision for the Smith Living Trust, a two lot subdivision, located at approximately 2700 E. Washington Dam Rd. with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

7. SIDEWALK DEFERRAL

A. Consideration to approve a Sidewalk Deferral for the Smith Living Trust Minor Subdivision. Application: Leon and Ora Smith

Assistant Public Works Director Lester Dalton reviewed:

This request is for deferral of curb, gutter, and sidewalk of the minor subdivision. The road has not been aligned at this time, and the improvements would not be to the benefit of the City until such alignment takes place.

Councilman Seegmiller made a motion to approve a Sidewalk Deferral for the Smith Living Trust Minor Subdivision. Councilman Staheli seconded the motion; which passed with the following roll call vote:

Councilman Nisson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Turek Aye

8. PLAT AMENDMENT

A. Consideration to approve an Amendment to the Gibson Minor Subdivision located at approximately 242 West 200 South. Applicant: Dennis Gibson

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of an Amended Final Plat for the Gibson Minor subdivision, located at approximately 242 West 200 South. The reason for this amendment request, is due to the combining of parcels (4 and 5) which will eliminate the lot line between the two lots (with lot #5 being removed).

The Planning Commission unanimously recommended approval of the Amended Final Plat for the Gibson Minor subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and 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. Reference is made on the plat in regards to a “SID” or “Deferred Improvements Agreement”.

Councilman Turek made a motion to approve an Amendment to the Gibson Minor Subdivision located at approximately 242 West 200 South with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Nisson seconded the motion; which passed with the following roll call vote:

Councilman Nisson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Turek Aye

9. PLAT VACATION

A. Consideration to approve a Plat Vacation for the Silverado Condominiums, located at 184 West 300 North. Applicant: Jim Price

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a Vacation of the Final Plat for Silverado Condominiums subdivision, located at approximately 190 West 300 North. The applicant is wishing to vacate this subdivision that is now an expired Planned Unit Development (PUD), and having it vacated will allow the applicant to proceed with a new development plan.

With that said, it is necessary to have this plat vacated so that a future project at this same location can move forward. Staff is therefore recommending that the Silverado Condominiums subdivision be vacated as soon as possible.

The Planning Commission unanimously recommended approval of the Vacation of the Final Plat for the Silverado Condominiums subdivision, to the City Council based on the following findings:

Findings

1. The vacated final plat is necessary for the development of a new project within the city.
2. That the vacated final plat conforms to the Subdivision Ordinance as outlined.

Councilman Seegmiller made a motion to approve a Plat Vacation for the Silverado Condominiums, located at 184 West 300 North with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

10. PUBLIC HEARINGS AND RELATED ORDINANCES

A. Public Hearing for consideration to approve a Zone Change request Z-15-14 to change Zone from R-1-6 (Single Family Residential minimum 6,000 sq ft lots) to R-3 (Multiple Family Residential), located at approximately 450 North 100 East. Applicant: Craig & Tammy Engel

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval to change the zoning of approximately 1.28 acres, located approximately at 450 North 100 East. The requested change is from the current zoning of Single-Family Residential - 6,000 sq. ft. min. (R-1-6) to a proposed Multiple-Family Residential (R-3) zoning designation. The (R-3) request is for the purpose developing the parcel into a multi-family townhome project which would be required to obtain an approved Conditional Use Permit from the city if this proposed zone change is approved and adopted by the city.

The General Plan Land Use Designation for this location is Medium High Residential Density (MHD), which carries a 7 - 12 dwelling unit per acre density ratio. The surrounding zoning to this parcel is R-1-6 to the north and south, R-1-6 and R-2 to the west, and Mobile Home and R-3 and R-1-6 to the east.

The Planning Commission unanimously recommended approval of Z-15-14, for the zone change request from Single-Family Residential - 6,000 sq. ft. min. (R-1-6), to the proposed Multiple-Family Residential (R-3), 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. The the utilities that will be necessary for this type of development will be readily accessible to the site.

Councilman Staheli asked for clarification of the R-3 Zone.

Community Development Director Ellerman explained the R-3 Zone, along with the location of the land adjacent to this parcel currently zoned R-3.

Councilman Seegmiller asked for clarification of the four homes on the adjacent parcel.

Community Development Director Ellerman stated this is actually two flag lot parcels, which has the R-1-6 zone. The developer was able to get a total of four single family homes rather than doing a PUD.

Bill Hudson stated he is against an R-3 zoning in this area. The multi-family homes in this area pushes the single family residents out. An R-1-6 zone is still very high density, and should be enough for this property.

Randy McDonald there should not be any higher density than is already in this area. They already have a traffic issue in this area of Washington. He has two single family homes next to this, and he wants the area to remain single family.

Lisa Matthews stated she is the owner of the four homes. She feels the property owners should at a minimum apply for a PUD, so as to allow the surrounding property owners to have a better idea of what the developer plans to place on this property.

Jean Arbuckle commented rezoning to high density in this area would be a mistake. There is already a traffic issue because of the dead end street. Multi-Family zoning would compound this problem.

Jordan Garrett stated he lives adjacent to this parcel. There are going to be traffic, parking and safety issues. There is a home one street over, which has been damaged so much from flooding it is unlivable. He feels adding multi-family is going to cause more drainage issues.

Councilman Seegmiller stated he recognizes the Council has to make difficult decisions when so

much building has taken place. He does believe the current R-1-6 is consistent with the adjacent properties, and it would be unfair to the surrounding single family residents.

Councilman Turek stated he agrees with maintaining the R-1-6 to be consistent with what has been built in this area.

Craig Engel stated he does appreciate the concerns of the surrounding residents. He purchased this property in 2008, at which time there was an approval for 11 homes on this parcel. He reviewed a Harvard study, which notes apartment complexes can raise values if built correctly. He presented photos to Council which shows the topography of the property, along with the proposed frontage road. He feels the multi-family would be a much higher value for the property. Due to the location of the property to the freeway, he feels single family would not be a good use of the property. Multi-family would actually add to the value of the property. This would potentially give housing to those in the community who could otherwise not afford a home.

Councilman Staheli clarified high density allows for 13-17 units per acre.

Community Development Director Ellerman stated policy has been set to ask for an R-3 Zone in medium density with a maximum 7 to 12 units per acre.

Councilman Staheli explained in his experience if someone were to ask for a specific zoning, he would need to then anticipate the highest density would then be requested, and there is limited recourse even if that is not what was originally shown. There is a need for affordable housing, but if the project is done as a PUD, then there is a comfort level for the surrounding residents as well as the Council.

Mr. Engel clarified Council would prefer if the application were to come through as a PUD.

Councilman Staheli stated he would be much more comfortable with a PUD request.

Mr. Engel stated when he purchased the property, there was a plan for 14 units. He would not have purchased this property if the zoning were to remain single family R-1-6. He feels the only feasible use of the property is some form of single family. This is a potential for a freeway on-ramp next to this property, which is going to devalue the property.

Councilman Turek commented he agrees with Councilman Staheli. A multi-family probably fits better in this location, however, there are too many times a project has been shown, and once the zoning is given, the project comes back entirely different.

Jason Smith stated he is a resident of Washington City. He would like to note there are nice townhomes in the Southern Utah area. A townhome project would fit nicely in this area, and fits the general plan designation.

Councilman Seegmiller stated he has seen nice townhome projects. However, those are generally owner occupied. He has approved many multi-family projects in this area, and they have moved forward and look nice. One thing he does feel needs to have taken into

consideration is the surrounding properties, and how this project is going to affect those owners. Especially in an established area.

Councilman Staheli asked for clarification on the zoning designations.

Community Development Director Ellerman explained the zoning designations, which is driven mainly by the dwelling units per acre, rather than the actual name of the zone.

Councilman Staheli stated to be fair to the property owner as well as the surrounding property owners, he would recommend the applicant come back with the request for a PUD.

Mr. Engel stated this property is not feasible for anything other than multi-family. He would like to withdraw his proposal at this time, and will come back at a later date with a different request.

City Attorney Starkey clarified the item is being withdrawn and does not want to move forward with a decision.

Councilman Staheli made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Councilman Staheli noted there are appropriate places in Washington City for multi-family housing. With some modifications, this could be an appropriate location as well.

B. Consideration to approve an Ordinance approving Zone Change Z-15-14, to change present zone from R-1-6 to R-3.

Withdrawn

C. Continuation of Public Hearing for consideration to approve Zone Change request Z-15-13 to change zone from R-1-10 (Single Family Residential 10,000 sq ft lot minimum) to PUD (Planned Unit Development), located at approximately 600 West 2000 North. Matt Lowe, Washington Vista Reserve

Community Development Director Drew Ellerman reviewed:

This item was tabled at the September 9, 2015 City Council meeting, moving it to the October 14th meeting allowing for more Council members to be present in making decision on the application request. The council also gave some direction to the applicant to work on some of the items shown at the original meeting. Items included project design and layout, density, landscaping, open space, pad size, guidelines and subdivision standards.

The project has been re-designed, dropping the pad count from the original 99 units, to the proposed 82 units. The applicant has had specific elevations drawn (all four elevations given)

for a proposed 2-car garage design, 3-car garage design and a 3-car side loaded garage design to be throughout the development. They have also enhanced the wash area to include the previous proposed trail, have redesigned the recreation area, and included a common landscape design portraying the front finishing of all the homes in the project.

The plan looks much better, the elevations are project specific, the density went from 3.07 d.u./ac. down to 2.55 d.u./ac.

The applicant is requesting approval to change the zoning of approximately 32.17 acres, located at approximately 600 West 2000 North (north of the current end of Green Springs Drive). The requested change is from the current Single-Family Residential - 10,000 Sq. Ft. Min. and Open Space (OS) zoning designation to a proposed Planned Unit Development (PUD) zoning designation.

The General Plan Land Use Map designation for this location is Low Density Residential (LD) which allows for zoning categories of R-1-10 and R-1-12 and density ratios of 3 to 4 dwelling units per acre. The surrounding General Plan designations are Low Density Residential (LD) to south, west and east, and Open Space (OS) to the north.

The surrounding zoning designations are Open Space (OS) to the north and east, Single-Family Residential - 10,000 square feet min. (R-1-10) to the south, and PUD to the west.

The applicant is wishing to rezone this particular area to the PUD zoning designation to offer another type of housing use in the vicinity and in conjunction with the single family individual lot(s) subdivision they are developing to the south of this proposal.

This PUD development will have a total of 99 dwelling units, a recreation facility including a clubhouse and swimming pool, along with basketball and pickleball courts for the residents. A large hillside / open space falls at the east edge of the development. Parking is always a question in multi-family developments, with the applicant providing the required parking for each home and additional visitor parking scattered throughout the development (and additional 43 visitor stalls). The rest of the project falls in line with the PUD zoning requirements as outlined in the Zoning Regulations.

Staff has reviewed the proposal, it does fall within the density ratio General Plan Land Use plan for the area (proposed 3.07 d.u./ac.), and meets the requirements as outlined in the zoning and subdivision ordinances.

The Planning Commission unanimously recommended approval of Z-15-13, for the zone change request from Single-Family Residential - 10,000 Sq. Ft. Min. (R-1-10) and Open Space (OS) to a Planned Unit Development (PUD) zoning designation, to the City Council, based on the following findings and subject to the conditions below:

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. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Conditions

1. The project shall conform to the standards of the PUD Zone.
2. A traffic study shall be submitted for review and approval prior to submitting building permit applications.
3. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to site development. 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.
4. The side and rear elevations of the buildings shall be similar to the front elevation as shown on the submittals, and roof mounted equipment shall not be allowed.
5. Details for dumpster screening methods shall be submitted for review and approval with the building permit applications.
6. Detailed landscape and irrigation plans shall be submitted for review and approval prior to building permit applications and shall conform to the approved conceptual plan. The developer shall install the landscaping and irrigation infrastructure prior to the occupancy of any unit.
7. Details for the required perimeter block walls shall be submitted for review and approval with the site development plan approvals.
8. All structure and site improvements shall meet the requirements of City-adopted building and fire codes.
9. All landscaping, walls and other structures shall meet sight distance requirements.
10. All detention areas shall be landscaped and all detention, landscaped common areas and open space areas shall be maintained by the HOA and/or property owner(s).

Councilman Seegmiller asked about the access road to this location.

Community Development Director Ellerman reviewed the road maps with Council.

Councilman Seegmiller asked when we anticipate this road being built.

Community Development Director Ellerman explained the road would have to be built to the project. Fairway Drive or Green Spring Drive could provide access to this project.

Councilman Turek asked if there is any concern to only having a single access to this project.

Community Development Director Ellerman stated until such time we have the Fire Marshall do a review, we are not certain. This is only the zone change request. However, since he does own the adjacent parcel, the developer could make a secondary access very easily. He then reviewed the home elevations, so as to address concerns of the surrounding property owners. The developer will be held to the look of the homes, which have been presented to Council.

Councilman Seegmiller asked about if the 17 units, which were eliminated, they created more space between the homes.

Community Development Director Ellerman stated they have increased the space between lots,

along with increasing the pad sizes. In addition, the trails and recreation is larger.

Councilman Seegmiller commented he like the addition of the trail in the open space, which now makes it a more usable space.

Councilman Turek stated he is concerned about this trail being gravel. If a trail is being built, it should be usable.

Community Development Director Ellemran stated Council could make the trail paving be a condition of approval.

Councilman Turek asked if the detention basin is going to be large enough.

Assistant Public Works Director Lester Dalton stated the preliminary studies show this is going to be large enough. However, if the detailed designs show a need for additional detention, they can link the drainage across the street, which is also owned by this developer.

Mark Fonger stated he is with premier design. They have not completed a lot fit matrix. However, most of the home plans fit on any of the pads. There are a few of the small pads, which will only fit the smallest plan, about 6 total. It is very difficult to see the dimensions on this plan, but they are larger than they appear in the drawing.

Councilman Staheli asked the different widths of the home plans.

Mr. Fonger stated the home plans range from 40 to 50 feet in width. He reviewed the home pad plans with Council.

Matt Lowe explained they could do cut and fill in the wash area to maximize the density. However, the wash is very pretty, and they would prefer to preserve this as an amenity.

Mr. Fonger commented if they were to come back with an R-1-10 zoning, there would be no landscaping plan, and each lot could do whatever they want. They are trying to make a nice development, and provide amenities to the residents. They have submitted a preliminary traffic and drainage reports, which Staff has reviewed.

Councilman Turek asked if they would be willing to have the trail paved. A gravel trail is not really usable.

Mr. Fonger stated a round river stone is difficult to walk on, but the proposal for this trail is for a chit stone. If there are concerns about this material, Staff could review the proposal.

Councilman Turek asked for clarification on the elevation difference.

Mr. Fonger reviewed the elevations on the map with Council.

Guy Sanderson stated he likes the concept of the paved trail. He does not like walking on gravel as a senior citizen. He would like to clarify if there are going to be nightly rentals in this

development.

Councilman Seegmiller stated the application as has been presented clearly does not allow for nightly rentals.

Mr. Sanderson asked the square footage of the homes.

Mr. Fonger stated they are 1500 to 2800 Square Feet.

Mr. Sanderson complemented the developer on the changes. The development is very much improved.

Larry Belliston asked the total developable acreage in this proposal.

Councilman Seegmiller stated they have noted 30.18 developable areas.

Mr. Belliston stated the only way to have this many acres is to fill in the drainage areas.

Mr. Lowe stated they would have to fill some of the drainage areas.

Mr. Belliston asked if this could be done in the drainage area.

Mr. Lowe stated it could be done but they prefer not to do so.

Mr. Fonger explained the ability to move the land in order to place an R-1-10 zone. There would be more units than what is currently being proposed, and their would not be landscape planning.

Mr. Belliston clarified the R-1-10 zone is roughly 3 units per acre. He would like to suggest the density and size of the homes be left at an R-1-10 zone.

Glenn Bingham stated they are in favor of the zone change, because a PUD can be a better look than the R-1-10. The issue is the density does not reflect what an R-1-10 zone would be. The property should be consistent with what is around it. They are taking into consideration with surrounding property, which isn't buildable.

Councilman Seegmiller asked if the surrounding parcels being compared to have any common spaces.

Mr. Bingham stated they do not have common space. If this development is approved it is violating the general plan. The density should be given on the usable area.

Councilman Seegmiller stated he does appreciate PUD zoning. He prefers to see some area left as open space. It would be unfair to allow other developers to calculate all of there unusable area in the open space, and not allow others to do the same. On the same token, there can be much dirt work done to make the land buildable in areas where it would not normally be done. This is probably something the neighbors would not want to see.

Mr. Belliston stated this property has an exceptional view and privacy. The subdivisions in the areas, which have the highest values are those with great views. This subdivision destroys the views by how it is laid out. It would enhance the value significantly if it had a different layout. In addition, the privacy of this land creates another added value. He would like to ask the developer if he would be willing to work with him on a different design to add value to the overall development. The higher density is not going to utilize the elements, which would add the value.

Councilman Seegmiller stated value is something difficult to ascertain. Individuals are willing pay for what is important to them. However, he is familiar with appraisals, and generally views are not taken into account.

Mr. Belliston explained the view corridors should be planned in the development. If you jam everyone next to each other, then you loss the value.

Councilman Turek asked how they would see the straight R-1-10 zoning being more beneficial to the development.

Mr. Belliston stated with the bigger lots you can plan around the view corridors. If they want to stick with these densities then he would prefer to stick with an R-1-10 zoning. If this were the case,

Ms. Arbuckle stated she agrees the trail should be paved. The initial cost would be more, but the maintenance would be less. She would prefer to leave the wash alone. She would also like clarification, if two 8 foot walls are built in open space, is it still then open space.

Community Development Director Ellerman stated open space is designated as open without a dwelling. If a wall is being built to hold back the earth, it would still be open space without a dwelling structure. There is a value to open space regardless of what the actual land topography is. There are amenities given back when you cluster homes. This is the entire basis of a PUD. If you argue the straight zone should remain, then there is no value in doing a PUD. If this is a straight R-1-10 zone, they can build any type of home they want, which includes two story homes or even a manufactured home.

Councilman Turek stated when they use non-buildable areas as their open space, this is more of an issue. He does have some concern about 16 foot walls within the community.

Community Development Director Ellerman stated there are many retaining walls, all throughout the Green Spring areas. Even Northbridge has some very high retaining walls.

Councilman Seegmiller stated we have been fortunate to have developers willing to work with Council.

Rick Schofield stated he would absolutely suggest the application not be denied. Council has the ability to make changes to the request.

Community Development Director Ellerman stated as a Council they have the ability to modify

the current request tonight.

Mr. Schofield stated he agrees the the lot sizes should be larger, but his biggest concern is traffic. He does not have a problem with a PUD, but Council should consider modifying.

Mr. Belliston stated a PUD is better than straight zoning, but if you do a bad PUD, then straight zoning is better.

Mike Anderson stated he lives in Last Sun. He would like to ask if Council is willing to table this item for review and discussion, which is more conducive to what the surrounding residents want.

Councilman Seegmiller stated this is the second time the project has come back to Council. The applicant has removed 18 lots and presented colored rendering on the homes and landscaping.

Mr. Lowe stated with what they are giving up with the PUD request, they would not be willing to give up more lots. They feel confident they can still get the 82 lots in the straight zone, and even with the cost of the cut and fills, it would be a lesser cost than what the residents are asking for.

Kolene Granger stated it isn't density it is value. When the neighborhoods look better, it makes all of the surrounding areas better.

Councilman Turek asked if they would prefer using a PUD where we can dictate the homes and landscaping.

Ms. Granger stated in a PUD they can be beautiful, but there should be a way to design zoning so all properties are large properties essentially require PUD regulations.

Councilman Seegmiller stated nowhere in State Law does it give Council the right to look at value. The customers buying here are what drive value. The landowners and developers usually bring their requests with a customer in mind. We all see value differently.

Mr. Schofield stated he cringed when Mr. Lowe stated he would just go back to R-1-10 zone. He would suggest Council approve with a modification. If this were done, it puts the property in a zone for the next 18 months, and he can either choose to build on it, or sit on it for 18 months until it reverts back to the original zone.

Mr. Fonger stated there was a comment if we only have guidelines to follow. There are guidelines, which are being followed. This proposal has been reviewed by Staff and Planning Commission, and they have both been approved. The density as approved by Ordinance is 2.7 units per acre.

Councilman Staheli noted the last meeting he stated 10 acres of the property was unbuildable, which should be removed from the density.

Mr. Fonger reviewed what the code calls out as open space.

Councilman Staheli asked how the open space was determined from an engineering standpoint.

Mr. Fonger reviewed the open space area, and under the Washington City Ordinance, which areas would not be considered open space as it is undevelopable.

Councilman Turek clarified to the right of the trail is untouched and to the left of the trail is landscaped.

Councilman Staheli asked if there is any opportunity to add more than 4 floor plans.

Mr. Lowe stated they hope to add floor plans, but there are so many expenses to this application, they did not want to incur additional expense without knowing which direction this request was going to move.

Councilman Staheli asked if the developer is open to more discussion on this request, or is this final request.

Mr. Lowe stated at the last meeting, he took the density under advisement, and took off a significant amount of lots. There is no threat of going straight zoning, but at a certain point, it does not make sense to do such a large investment in the PUD when it is actually more cost effective to fill the wash and get the lots in straight zoning. As the landowner, he does need to maximize the use of the land. He feels this is the most economically viable application without going to a straight zone.

Councilman Staheli asked what is his perception of value.

Mr. Lowe stated with the PUD the landscaping is going to be controlled, and much nicer. He is not worried about the clustering because the open space and landscaping is going to offset the smaller side yards. He feels this plan is far superior to R-1-10.

Councilman Turek made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

D. Consideration to approve an Ordinance approving Zone Change Z-15-13, to change present zone from R-1-10 to PUD

Councilman Seegmiller stated he appreciates the developer has made several changes to the request after taking into consideration the Council recommendations and the adjacent residents concerns.

Councilman Turek stated he is not conducive to approve a project with modification to tie a property owner to something they are not requesting, as was previously suggested by a resident.

Councilman Seegmiller made a motion to approve an Ordinance approving Zone Change Z-15-13, to change present zone from R-1-10 to PUD with the additional condition the trail be paved and nightly rentals will not be allowed. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Nay</i>
<i>Councilman Turek</i>	<i>Nay</i>
<i>Mayor Nielson</i>	<i>Aye</i>

E. Continuation of Public Hearing for consideration to approve a General Plan Amendment request G-15-03, to change designation from MD (Medium Density) to MHD (Medium High Density), located at approximately Telegraph Road and Bella Vista Drive. Applicant: David Gardner

Community Development Director Drew Ellerman reviewed:

This item was tabled at the September 9, 2015 City Council meeting, moving it October 14th. This was to allow for more Council members to be present in deciding this requested application. The applicant has given a new exhibit showing single family home lots in south and west portions of the property and multiple family development in the north portion of the property adjoining the commercial designated parcels which border Telegraph Street. Staff is not sure if the desire is to now only change the request for Medium High Density to just include the multiple family portion as depicted on the exhibit, or for the entire parcel as portrayed in the original application. We could not get ahold of any representatives before writing this report last week. I will work on getting final decision from the applicant or their representative before city council meeting on Wednesday.

The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately Telegraph Road and Bella Vista Drive. The requested area covers 46.29 acres. The current Land Use designation is Medium Density Residential (MD). The applicant is seeking to have the Land Use designation changed to the Medium High Density Residential (MHD) designation as outlined in the General Plan. The dwelling unit density would go from 4.5 - 5.5 dwelling units per acre, to 7 - 12 dwelling units per acre if approved.

The request to amend this parcel is due to a desire by the applicant for not only more dwelling units, but also a mix of use types, for future residential development at this location. The current surrounding General Plan Land Use designations are Medium Density Residential to the east and west, Open Space to the south, and Community Commercial to the north.

The Planning Commission, by a vote of 4-1, recommended approval of G-15-03 to amend the General Plan Land Use Map as outlined above, to the City Council.

Councilman Seegmiller asked if this request is for the entire property.

Community Development Director Ellerman stated it is for the entire parcel.

David Gardner stated he is the developer of the project. They plan to do smaller townhomes and multi-family in the lower portion of the property. He reviewed the project plan with Council.

Sandra Cavahnaugh stated her biggest concern is traffic. When Bella Vista was developed there were 58 lots with only one access. The City required a second access be placed, with not even 100 total lots. With this request there are going to be hundreds of lots with two accesses, and everyone channeling down Bella Vista Drive and turning onto Telegraph Street.

Councilman Seegmiller noted his idea of a second access does not exist as it connects to the only access off of Telegraph. However, the proposed trail would assist with fire control.

Councilman Staheli noted with a General Plan amendment, there is typically not discussion about access. The applicant has provided the plat map as a convenience to the residents. At such time a preliminary plat were to be submitted, access would definately be addressed as it will be an issue.

Ron Romney stated he is unsure of what the applicant is requesting at this point. The plan they were shown as residents already falls within the current general plan designation. There are several issues with the property at this time, so to increase the entire parcels density would just exacerbate the issues.

Councilman Seegmiller explained to get big lots in certain areas, then a higher density must given in the center piece.

Mr. Romney stated he is asking for a high density on the entire parcel.

Community Development Director Ellerman explained their is only a portion of the parcel being requested as a higher density.

Mr. Romney stated as a community they are not entirely in agreement of this proposal. He would like to make sure there is going to be input at a later date, and as long as the entire 46 acres is not being requested for higher density.

Councilman Turek stated he is certainly in agreement, the entire 46 acres is not being requested for general plan change. In addition, when a plan is brought to Council, the other issues are going to be addressed.

Ken Cole stated he is also from Bella Vista. With the proposal being shown, there is no way the road is going to be able to handle the traffic. The residents are trying to fight the development, but the safety, and traffic has to be addressed.

Ms. Cavanaugh asked what is to guarantee the lots south of Bonnie Lane will stay large.

Councilman Seegmiller stated regardless of this request, the current general plan states medium density on the parcel to the south. However, to get medium high in this request, there is a guarantee of larger lots to the south of Bonnie Lane.

Ms. Cavanaugh stated in the meeting early it was noted once something is granted, it can be sold off and Council cannot do anything if the zone or plan is already in place.

Mr. Warner stated they do not want to be the builder on these lots, but rather they want to sell the lots to builders in the area.

Councilman Seegmiller asked if the applicant would be amenable to low density south of Bonnie Lane and Medium High Density north of Bonnie Lane.

Mr. Warner stated he would be amenable to the low density south of Bonnie Lane.

Community Development Director Ellerman commented Bella Vista is 8000 sq ft lots, and if a Low Density is being placed south of Bonnie Lane, then

Brandi with Bush and Gudgell stated the plan is still in motion and if the Low density doesn't work then the property is stuck and the green space and doesn't work with their future design if they do a PUD request.

Councilman Turek stated if for some reason the project does not work, then the applicant can always come back with another general plan request.

Turek Heath stated the solution would be to not change the plan at all. If you leave the plan medium density it is already too much traffic.

Mr. Romney noted if this area is changed, everything in this area potentially becomes a rental property. This certainly does not fit with the value of the property as a whole. In Bella Vista they are not opposed to development, they just want it done in the right way.

Councilman Seegmiller asked if there is a guarantee of less than medium density south of Bonnie Lane, would the residents be more amenable to this request.

Mr. Romney stated at their neighborhood meeting, it was indicated to them, there would be 216 residents. He feels this is too high, and with the current plan they should only be able to have just over 100.

Councilman Seegmiller stated the current general plan now allows them to have medium density over the entire parcel. He explained the process of the general plan amendment and zone change process.

Ms. Cavanaugh she would recommend keeping the general plan designation as it is. There is already going to be too much traffic, and it is being complicated more than it needs to be.

Mr. Heath asked for clarification on the general plan request area.

Community Development Director Ellerman reviewed the map with Council and the residents. The applicant intends to come to Council with a zone change request for R-1-10 on the property

south of Bonnie Lane.

?? Miles asked how long it would take if a light ever when in on Telegraph.

Councilman Seegmiller stated there is a process for light to warranted.

Mr. Miles stated his concern is with the townhomes with carports. They could be rentals in this area.

City Attorney Starkey stated by law we cannot prohibit rentals of 28 days or more.

Councilman Seegmiller stated we can only prohibit nightly rentals.

Brent Thompson stated he was a developer of Bella Vista. He did not receive notification for this request. He is pro-development, however, he is not in favor of a general plan amendment. In addition, there is not a meets and bound description for the request of the portion of the property. There is a potential to sell the property once a General Plan designation is given, and there would be no guarantee of what would be requested on the parcel.

Mr. Miles noted he did not get notification for this project.

Bruce Verl stated he is opposed to the high density request. There will be a massive influx in low income housing.

Councilman Seegmiller stated the challenge with this parcel is taking into consideration the adjacent parcels. The question on a general plan, is what fits the area.

Councilman Turek made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

F. Consideration to approve an Ordinance adopting General Plan Amendment G-15-03, to change designation from MD to MHD.

Councilman Turek stated it becomes very difficult to make a determination when to look at what is surrounding this parcel. On the same hand, developers change and Council changes, so to give a determination is always a question.

Councilman Seegmiller commented to find a developer willing to give larger lots to the south in exchange for higher density to the north is a good trade.

Councilman Staheli discussed doing a low density south of Bonnie Lane.

Councilman Seegmiller stated the General Plan is not a vested right. The vested right is when we go to a zoning change.

Councilman Staheli asked how to designate the boundary of the General Plan rather than stated specifically Bonnie Lane.

Community Development Director Ellerman stated there are utilities along this boundary.

Assistant Public Works Director Lester Dalton explained the intersection is dedicated.

Councilman Staheli made a motion to approve an Ordinance adopting General Plan Amendment G-15-03, on the south property line of the Turner property along what is shown as Bonnie Lane to Horizons West to change designation from MD to MHD to followed by applications for zoning requests to R-1-10 South of Bonnie Lane West Florence Drive and to R-1-8 south of Bonnie Lane East of Florence Drive. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Nay</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

G. Public Hearing for consideration to grant a Donation to the Washington City Band. Ruth Batt

Ruth Batt stated she is representing the Washington City Band. They are requesting \$1500 in donation monies, and planned to play at the Washington City events.

No public comments were made.

Councilman Seegmiller made a motion to close the public hearing. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

H. Consideration to approve a Resolution granting a Donation to the Washington City Band.

Councilman Nisson made a motion to approve a Resolution granting a Donation in the amount of \$1500 to the Washington City Band. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>

Councilman Staheli Aye
Councilman Turek Aye

11. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

None

12. CITY MANAGER REPORT

None

13. ADJOURNMENT

Councilman Turek made a motion to adjourn the meeting. Councilman Nisson seconded the motion; which passed with the following roll call vote:

Councilman Nisson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Turek Aye

Meeting adjourned at 10:23 P.M.

Passed and approved this 28th day of October 2015.



Washington City

Kenneth F. Neilson

Kenneth F. Neilson, Mayor

Attest by:

Danice B. Bulloch

Danice B. Bulloch, City Recorder

