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**MINUTES**  
**WASHINGTON CITY PLANNING COMMISSION**  
**June 19, 2013**

Present: Commissioner Schofield, Commissioner Burnette, Commissioner Smith, Commissioner Shepherd, Commissioner Averett, Commissioner Williams, Attorney Melinda Hill, Mayor Neilson, Councilman Hudson, Drew Ellerman, Kathy Spring, Mike Shaw, Myrna Burnette, Troy Belliston, Ala Fernelius, Brett Labrum, Jordan Smith, Jessica Acevedo, Dennis Gibson, Bob Sandberg.

Meeting called to order: 5:32 PM

Invocation: Commissioner Smith

Pledge of Allegiance: Commissioner Burnette

1. APPROVAL OF AGENDA

A. Approval of the agenda for June 19, 2013.

Commissioner Smith motioned to approve the agenda for June 19, 2013.

Commissioner Averett seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from June 5, 2013.

Commissioner Burnette motioned to approve the minutes from June 5, 2013.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

Mayor Neilson expressed gratitude to Commissioner Barry Burnette for 9 years of service to the Planning Commission. He announced that Ben Martinsen would be the new Commissioner serving as the alternate and that Commissioner Williams would move from the alternate position. Drew Ellerman presented Commissioner Burnette with a small John Deer tractor and gift card for the many years of service and express appreciation for Commissioners Burnette contribution to the city.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

Commissioner Smith abstains from item 5-A.

4. PLAT AMENDMENT

- A. Public Hearing for consideration and recommendation to City Council for a Plat Amendment for Northbridge Amended and Extended Phase 2 located at approximately 1600 North 1100 West. Applicant: Troy Belliston

**Background**

Drew Ellerman stated the applicant is requesting approval of a second amended and extended final plat for the Northbridge, Phase 2 subdivision, located at approximately 1600 North 1100 West. The applicant is wishing to amend and extend the final plat in order to incorporate land adjoining the north-east boundary line into the subdivision.

The land is currently owned by Washington City and the property owners have enquired of the city to purchase the land and have it joined to their respective parcels. The city council has agreed to this request, seeing that the land in question is fairly unusable and currently nothing more than a weed patch.

The property owners on lots 69, 70, 71 and a portion to be added to the trail and common area between lots 71 and 72 will be the only parcels that are increasing with this proposal. The first amended and extended final plat for this subdivision was approved back in December of 2008.

Staff has reviewed the requested amended and extended plat, and recommends approval of the 2nd Amended and Extended Northbridge, Phase 2 subdivision to the Planning Commission.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of the 2nd Amended and Extended Final plat for the Northbridge, Phase 2 subdivision to the City Council, based on the following findings and subject to the following conditions:

**Findings**

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

Commissioner Schofield asked if lot 72 would be included and if lot 71, 70 and 79 would participate in the financing.

Mr. Ellerman answered it will depend on the appraisal per square foot of the lot. Each lot will pay differently. Lot 101 on the other plat will pay more.

Commissioner Schofield asked if Mr. Belliston was paying for this and did all the people in the subdivision get noticed.

Mr. Ellerman stated he didn't know about Mr. Belliston's financial involvement and just the people affected with the change were noticed.

Troy Belliston said that it affects lots 100 thru 103 and lots 79 thru 72 he would not benefit financially from doing this he is just helping out. The lot 72 property owner just didn't want a larger lot so they turned it into common area.

Commissioner Schofield asked about the walkway into the park, how much is the walkway and how much is common area.

Mr. Belliston answered, the walkway already exists and about 10 feet will be landscaped they are waiting for the HOA to get the extension so they can do it all together. There will also need to be a meter installed.

Commissioner Schofield asked who would be paying for it.

Mr. Belliston stated the HOA would pay for it.

**Commissioner Schofield opened the public hearing.**

**No response.**

**Commissioner Smith motioned to close the public hearing.**

**Commissioner Averett seconded the motion.**

**Motion passed unanimously.**

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

**Commissioner Shepherd seconded the motion.**

**Commissioner Schofield discloses that he lives in Northbridge but would vote on this item.**

**Motion passed unanimously.**

- B. Public Hearing for consideration and recommendation to City Council for a Plat Amendment for Northbridge Amended and Extended Phase 3 located at approximately 1600 North 1100 West. Applicant: Troy Belliston

**Background**

Drew Ellerman stated the applicant is requesting approval of an amended and extended final plat for the Northbridge, phase 3 subdivision, located at approximately 1600 North 1100 West. The applicant is wishing to amend and extend the final plat in order to incorporate land adjoining the north-east boundary line into the subdivision.

The land is currently owned by Washington City and the property owners have enquired of the city to purchase the land and have it joined to their respective parcels. The city council has agreed to this request, seeing that the land in question is fairly unusable and currently nothing more than a weed patch.

The property owners on lots 100, 101, 102 and 103 will be the only parcels that are increasing with this proposal. The original final plat for this subdivision was approved back in April of 2012.

Staff has reviewed the requested amended and extended plat, and recommends approval of the Amended and Extended Northbridge, Phase 3 subdivision to the Planning Commission.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of the Amended and Extended Final plat for the Northbridge, Phase 3 subdivision to the City Council, based on the following findings and subject to the following conditions:

**Findings**

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

Commissioner Schofield asked about the property line of lot 101.

Mr. Belliston answered a survey was done and showed that is where the city had landscaped.

**Commissioner Schofield opened the public hearing.**

**No response**

**Commissioner Smith motioned to close the public hearing.**

**Commissioner Burnette seconded the motion.**

**Motion passed unanimously.**

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

**Commissioner Smith seconded the motion.**

**Motion passed unanimously.**

## 5. PRELIMINARY PLAT

- A. Public Hearing for consideration and recommendation to City Council for the Preliminary Plat for Creekside Townhomes located at approximately 250 South 350 West. Applicant: Tim Stewart

### **Background**

Drew Ellerman stated the applicant is requesting approval of a preliminary plat for the Creekside Townhomes subdivision, located at approximately 250 South 350 West. The applicant is wishing to develop 40 units/lots on an area covering 4.476 acres, making for a 9 dwelling units / per acre ratio. The location of this particular project is zoned Planned Unit Development (PUD).

The proposed subdivision conforms to the approved zoning conditions, in which this specific PUD zone change was approved on October 10, 2012. The request meets the PUD zoning requirements and the other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval with conditions, of the preliminary plat as outlined.

### **Recommendation**

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

### **Findings**

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the PUD Zoning approval and the Subdivision Ordinance as conditioned.

### **Conditions**

1. 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.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. A total of twelve (12) visitor parking spaces will be provided.
12. No parking will be allowed along 200 South, from 500 West St. to 200 West St.. Developer will be responsible for signs and/or curb painting along this project as per public works department.
13. A six foot (6') high block wall will be built along 200 South, with a landscape strip between the block wall and the back of the sidewalk.
14. The cost of the trail and associated bridge along the Mill Creek will be estimated by the project engineer with the money being paid to the city and put into an account until a future date when construction takes place with adjoining trail extensions.
15. All other conditions pertaining to the subdivision as placed on the project at the zone change approval from the city council.

Commissioner Schofield asked about the traffic study.

Mr. Ellerman stated there has been a traffic study done. The 4 way stop has been in place at the intersection for about the last 6 months.

Commissioner Burnette asked if the bulk of the traffic will go by Walmart and is there anything going on the road onto Telegraph.

Mr. Ellerman stated there would be a signal light going in and this may help with getting that in sooner.

Commissioner Averett asked what the difference between this and the previous approval for the 40 units then it went to 39 units.

Mr. Ellerman stated the 39 didn't get approval.

Commissioner Williams stated this looks better and has additional parking.

Commissioner Averett asked about 200 West to 500 West in regards to the parking.

Mr. Ellerman stated the developer will be responsible in front of their project but the city will have to enforce the other areas.

Commissioner Averett asked about other areas where people park on the street near 200 where he lives.

Mr. Ellerman stated there are some deferments and the city can call them in. When a development comes in that is when the improvements will be done.

Commissioner Schofield opened the public hearing.

Dennis Gibson stated he lives on 200 South and he is still concerned with traffic and that this property doesn't have a recreation area. There have been two accidents since the stop sign has been placed.

Robert Sandberg stated his concern is there needs to be fewer units and traffic will still be an issue. He felt that there should be a 4-way placard to alert people to stop. People coming from 200 South from Walmart run the 4 way stop sign.

Commissioner Schofield asked if there were fewer units, would he be in favor of this.

Mr. Sandberg stated 30 units would be better and a courtyard with a pool would the people can stay in the development.

Commissioner Schofield asked, if there were a courtyard or pool would people still stay there.

Mr. Sandberg stated he thinks they will.

Commissioner Schofield asked about the 4 way stop sign and a placard that states stop.

Mr. Sandberg stated people don't realize it is a 4 way stop.

Commissioner Schofield stated 3650 was changed and now there is more confusion, because people were use to not having the sign the new way. Now the city added the 4 way stop sign because people complained about the accidents in his area. Why are people confused that there is a stop sign.

Mr. Sandberg said he suggests that the city put an additional notice to stop.

Commissioner Williams stated someone that didn't stop at a stop sign killed his grandfather. People are creatures of habit. It is a good idea for additional signage to stop. Perhaps painting on the road would be something to look at.

Mr. Sandberg stated there is a site distance problem at that intersection.

Commissioner Schofield asked Mr. Shaw if the placard is a possibility.

Mr. Shaw stated yes. There aren't any others in town. He stated he would be looking into the accidents to see what they can do to help.

Commissioner Schofield asked about painting on the road.

Mr. Shaw stated only on intersections. They do annual traffic counts and will do one on this area.

Commissioner Burnette motioned to close the public hearing.  
Commissioner Averett seconded the motion.  
Motion passed unanimously.

Commissioner Shepherd asked about the 6-foot block wall. There appears to be a trail and the block wall would block access to that.

Jason Smith stated it would be on the Millcreek side and on the frontage. There are areas that topography would not allow for the block wall.

Commissioner Burnette asked about the retaining wall and if there will be fencing, maybe something like a wrought iron because children in the area may get hurt.

Mr. Smith stated there is a retaining wall. Putting a fence is a good idea.

Commissioner Averett asked about the dimensions of the garages.

Commissioner Smith stated 20 feet. All units have two garages.

Commissioner Schofield asked how many parking spaces will there be.

Commissioner Smith answered 14 spaces total. There has been talk about a small playground in the center.

Commissioner Burnette stated that there was a development that a condition was added to make sure that at least one garage is used for vehicle and not for storage. He asked if these are going to be for rent or for sale.

Mr. Smith stated they could put it in the HOA because there is some common area that has to be maintained. These will be for sale. The research that has been done is that people want a more of a home feel.

Commissioner Shepherd stated the difference is that the other project didn't have driveways and this one does.

Commissioner Averett asked Mr. Ellerman what is the ratio for this density.

Mr. Ellerman answered the ratio is 7 to 12 Medium High Density.

Commissioner Schofield stated the applicant has tried to mitigate the many issues that have been addressed in the past by the Commission and City Council.

Commissioner Averett stated if he was here when this came in at first he would have asked for commercial or keeping the density as close to what it is today

Mr. Ellerman stated this has been dropped from 13 to 16 units per acre. City Council recommended that the density be dropped to Medium High Density.

Commissioner Burnette stated that the traffic will be handled by a stop sign and a light at 500 and Telegraph and this seems to be a good transition from the commercial to residential.

**Commissioner Burnette motioned to recommend approval to City Council with the findings and condition of staff.**

**Commissioner Shepherd seconded the motion.**

**Commissioner Williams voted aye.**

**Commissioner Averett voted aye.**

**Commissioner Schofield voted aye.**

**Commissioner Shepherd voted aye.**

**Commissioner Burnette voted aye.**

**Motion passed unanimously.**

6. DISCUSSION ITEMS

A. Discussion of Vacation/Short Term Rental.

Drew Ellerman reviews the proposed Recreation Resort Zone Ordinance from Hurricane City. He stated he would like for Washington City to have an ordinance that is specific and simply to understand but wants input on the criteria that would have to be met to apply for this use.

The consensus of the Commission is that this should be something that existing subdivisions would have to agree with. The majority of the people within a subdivision agreeing to have a short-term rental use in their subdivision. Also, that the best scenario is that a new development have this use with a development agreement.

Commissioner Shepherd stated her concern with HOAs being the one to enforce this. It is difficult financially to the people that would have to put up the money to fight this. She stated she understands why people want to do this but it needs to be done in a way that the city collects the taxes and meets the business license requirements.

Commissioner Burnette stated CC&Rs restrict this use but people are doing it anyway.

Attorney Hill stated CC&Rs do hold weight when fighting this type of thing. Also a deterrent is that the home has to be built to code; which would require it to be sprinkled per the building code.

Mr. Ellerman stated that recovering the money to pursue this could be done, in that if, the CC&Rs are written correctly the money spent in court could be recouped with the violator having to pay back the money spent.

Councilman Hudson stated this is an item that needs careful consideration in that the people need to be protected should they not want this in their subdivision but people are going to and are now doing this without any type of permission or paying taxes for doing so. He stated he has met with code compliance and they are sending letters to individuals to inform them to stop when people report them for renting out their homes for short term.

Commissioner Schofield related a comment made by Attorney Jeff Starkey that if someone does use their home as a vacation rental and there is a fire and people are killed or injured the city is not liable because they would know they need to have the home to code but now people are doing this illegally and may not know what the code requires. Having an ordinance would help people to understand that they have to meet requirements and certain criteria.

Commissioner Schofield said he felt that policing this is going to be difficult unless there is a specific criteria that would need to be met. He would like staff to bring a draft of what Washington City would require and then they could add to or delete what they felt they wanted to accomplish.

Meeting Adjourned: 7:35 PM

Commissioner Burnette motioned to adjourn the Planning Commissioner meeting for June 19, 2013.

Commissioner Williams seconded the motion.

Motion passed unanimously.

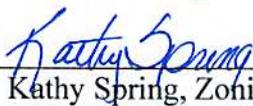
Washington City

Signed by:



Rick Schofield, Chairman

Attested to:



Kathy Spring, Zoning Technician