

**Midway City Planning Commission Regular Meeting  
July 15, 2015**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., July 15, 2015, at the Midway City Community Center  
160 West Main Street, Midway, Utah

**Attendance:**

Mickey Oksner – Chairman  
Natalie Streeter  
Jim Kohler  
Nancy O’Toole

**Staff:**

Michael Henke – City Planner  
Lindy Rodabough – Admin Assistant

**Excused**

Steve Nichols – Co-Chair  
John Rather  
Stu Waldrip  
Chip Maxfield  
Bill Ream

**6:45 P.M. Work/Briefing Meeting**

- City Council Liaison Report, no action will be taken and the public is welcome to attend.

**7:00 P.M. Regular Meeting**

**Call to Order**

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance  
Opening Remarks or Invocation. None was given.  
Chairman Oksner led the Pledge of Allegiance.

**Regular Business**

1. Review and possibly approve the Planning Commission Minutes of June 17, 2015.

**Chairman Oksner asked if there were any discussion on the motion**

There was none

**Motion:** Commissioner O’Toole; I move that we accept the minutes as they are.

**Seconded:** Commissioner Kohler

**Ayes:** Commissioner Streeter, Chairman Oksner, Commissioner Kohler, and O’Toole

**Nays:** None

**Motion:** Passed

## **ITEM: 2**

Kraig and Janette Higginson are requesting a Conditional Use Permit for an Agricultural Greenhouse. The proposal is located at 1200 South Center and is in the RA-1-43 zone.

### **BACKGROUND:**

This item was continued from the June planning Commission meeting. The reason for the continuance is so the applicant can provide more information to the City regarding the processing of the produce and fish within the facility. Staff sent an email to the applicants the day after the meeting and requested the lacking information. The Higginsons did respond and in further communication indicated they will be present at the July meeting and will be able to explain the processing and answer any questions about the facility.

Below is the original staff report for the petitioned use:

Kraig Higginson is petitioning for approval of a large agricultural building (17,000 sq. ft.) of which will partially be used to grow agricultural products (11,000 sq. ft.) and will partially be used as a family gathering area. This proposal requires that a conditional use permit (CUP) be approved by the City because of the size (being over 1,000 sq. ft.) and because there will be a commercial component to the structure.

The building has been constructed on the foundation of the Price barn which was destroyed by fire. It will contain an office/family gathering area, garage, bedding and planting area, fruit tree garden, and three greenhouse areas. There is also an aquaponics area listed on the plan that will be allowed since the City's Land Use Code now does permit this type of use.

Though this is a proposed agricultural greenhouse it is much smaller than the previous proposals that have been reviewed by the City. The Higginsons are interested in creating a sustainable farm where they can grow produce and food and where they will be able to create electricity through solar panels they plan to place on the property. There is currently one dwelling on the property and the Higginsons may apply to subdivide the 70-acre parcel into 6-10 lots where they and their children will build homes. They will keep the vast majority of the property in agriculture. This agricultural area will surround the lots that will be created near the center of the property. This has been stated as the current plan but the Higginsons are allowed to apply for any land use application that complies with the Land Use code.

The building itself looks agricultural in form and not industrial unlike previous proposals. It will be constructed to have the form of a barn/agriculture building (see attached renderings) but walls will be mostly glass. The roof is made of polycarbonates which allow 80% of sunlight to filter into the building in the greenhouse areas. The majority of the building will be used to grow agriculture for the families living on site but they would like the ability to wholesale any extra agriculture products and fish to retail establishments in the area. They see this as a way to be more self-sufficient but also as a way for the family to work together. It is possible that some employees may work at the facility in the future but initially it will be a family operation.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing before the City Council.

#### **ANALYSIS:**

Below are specific requirements for agricultural greenhouses. Below are some of the requirements in the code and an explanation of how the applicant complies with the ordinance.

*Five-acre minimum* – currently the property is about 70 acres in size, though it could be subdivided in the future. If the property is subdivided in the future the agricultural greenhouse will need to remain on a five-acre lot.

*Greenhouse will not exceed 35% of parcel area* – the proposed structure is less than 1% of the entire parcel area.

*100' setback from all property lines* – the proposed structure is 250' from the closest property line and the next closest boundary is the west property line at a distance of 400'.

*Screening, berming, and landscaping* – the applicant has not proposed any specific landscaping.

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood. Also, staff has analyzed the proposal and it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *because of the aquaculture component of the operations the State will monitor and inspect the facilities. The building itself will need to receive a certificate of occupancy before operations may commence.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *the City Engineer has reviewed the proposal and has indicated that with the information that is known there appears to be no significant negative effects on the environment. The State will continue to monitor the facilities throughout their operation.*

5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed use and associated traffic is consistent with the adjacent units and the neighborhood. The City would like more information regarding specific operations such as the plan regarding the disposal of dead fish. The applicant has indicated that they will provide this information in the Planning Commission meeting.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the proposal is suitable based on the proposed use.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *no detrimental impacts have been identified. The applicant is connecting the City's culinary water system and the Midway Sanitation District's sewer line.*

#### **POSSIBLE FINDINGS:**

- The proposed use is a conditional use in the RA-1-43 zone.
- The proposal does meet the vision for agricultural development in the RA-1-43 zone.

#### **ALTERNATIVE ACTIONS:**

1. Recommendation of (Conditional) Approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Recommendation of Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

Applicant: Jeannette Higginson: Recited Utah State code chapter 37 Aquaculture Act. Our plan is to initially start 5,000 square feet of aquaponics greenhouse. We have agreed that we will connect to the public sewer. We can grow trout, which can be processed and sold. We initially plan to use koi fish, although we may choose to use trout or fresh water salmon in some of our tanks. Initially though we will start with koi we would package it and sell it live. If we do choose to do trout we may process and package the fish to be sold. If the smell from processing is an issue maybe that could be one of the conditions, just as the reflection from the windows could potentially pose an issue we would be willing to rectify the problem. There will be composting and we have back up power. We have constructed a shed and its purpose is to have solar panels on the roof, we have purchased batteries that will store the power that will be generated from the solar panels. We will have sufficient amount of battery power and solar power that can service the greenhouse.

Commissioner Streeter: Assuming you transition to trout and salmon, how do you know when they are healthy when they come in? You are so close to Snake Creek. What safety precautions will you be taking so you will not accidentally be acting as a disease conduit?

Applicant: Jeannette Higginson: There are many regulations that we have to be in compliance with, and we will be regulated by the State.

Commissioner O'Toole: If they buy a fish from any kind of producer, it has to be clean and free from any kind of contaminants or biological issues for 3-5 years depending on the type of fish.

Planner Henke: The State periodically will come and inspect the facilities.

Commissioner Kohler: What State permits are required and do you have them in place, or have you applied for them?

Applicant: Jeannette Higginson: We will not have those in place until we have clearance from the City of Midway.

Commissioner Kohler: You mentioned that if you do use trout there will be processing of trout, correct?

Applicant: Jeannette Higginson: Likely, yes.

Commissioner Streeter: Are you saying initially the trout will be used for personal consumption?

Applicant, Jeannette Higginson: Initially, yes.

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Kohler; Mr. Chairman I would like to propose a motion. I recommend conditional approval of the action before us which is approval of a Conditional Use Permit for the Higginsons. We accept the findings of the staff report and make that a subject to a condition that the approval would be contingent on the Higginsons acquiring appropriate approvals for the State permits from the State of Utah for the aquaculture and the hydroponics.

**Amendment to the motion:** Commission O'Toole; I'd like to amend that if I could. Do a condition that if they change the trout from personal to wholesale that they come back and we can review the processing part of the trout, because now they are shipping them out live. If they change that process we should be able to review that.

**Commissioner Kohler;** I'm fine with that.

**Seconded:** Commissioner O'Toole; I will second the motion as modified.

**Chairman Oksner:** Any discussion

**Ayes:** Commissioner Streeter, Chairman Oksner, Commissioner Kohler and O'Toole

**Nays:** None

**Motion:** Passed

### ITEM: 3

Paul Berg, agent for Probst Enterprises and Dennis Higley, is requesting Master Plan Approval for The Sages PUD, a large scale planned unit development. The proposal is for 89 units located on 55.01 acres and will be developed in five phases. The proposal is located west of Valais and is in the RA-1-43 zone.

### BACKGROUND:

Probst Enterprises and Dennis Higley are proposing Master Plan of The Sages on property that was recently approved for annexation by the City. The property is 55.01 acres and will be developed in five phases. In all there will be 89 units in the five phases. The property will be developed as a Planned Unit Development (PUD). There will be a mix of public roads and private roads (all private roads will have a public access easement). There will also be 50% open space that will be common area owned by the homeowner's association (HOA). There will also be a mix of public and private trails throughout the development along with private amenities that includes a clubhouse, tennis court, and basketball court.

This newly proposed master plan is similar to the recently approved master but there are three items that have been modified. The first is the phasing has been changed from four phases to five phases. Phase 1 of the original approval will now be broken into two phases. Most of the open space for the original phase 1 (11.85 acres) will still be included in the proposed phase 1 and the right-of-way for the connector road from Canyon View Road to Pine Canyon Road will also be dedicated to the City, although the road will be built with phase 2. Also the alignment for Canyon View road will be straightened with the amendment and units will be placed on both sides of the road. Finally, pad 34 will increase in size to 100' x 100' and will be included in

phase 2. In all these revisions are relatively minor and the master plan does comply with the requirements of the code.

The Land Use Code requires that a Master Plan request must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore the Master Plan application must demonstrate that sufficient property, water rights, roads, sensitive lands protection, and open space are proposed with the first phase to allow the project to function without subsequent phases. The Probst property phasing plan does meet the requirements as reviewed by staff. Issues that have been reviewed include access for each phase. Also open space per phase meets the requirements of the code. Both of these items will be discussed later in this report.

#### **LAND USE SUMMARY:**

- 55.01 acres
- RA-1-43 zoning
- Proposal contains 89 building pads
- Five phases
  - Phase I – 14 units
  - Phase II – 23 units
  - Phase II – 4 units
  - Phase IV – 10 units
  - Phase V – 38 units
- Project is a Planned Unit Development
- Private roads will be maintained by the HOA
- Public roads will be the responsibility of the City
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- 8' paved public trail is planned along Canyon View Road and the connector road to Pine Canyon (as of yet is unnamed) and will be built by the developer.
- Sensitive land of the property include wetlands, stream corridor, and pot rock outcroppings

## ANALYSIS:

*Open Space* – The code requires that with each phase that is approved there is enough open space to comply with the requirements of the code. For example, phase I must have at least 50% open space for that particular phase. If phase I has 75% open space then phase II only needs to have 25% open space as long as both phases are equal in acreage. Below is the open space table for this proposal:

| Phase | Units | Total Area         | Open Space        | Total project<br>Open Space |
|-------|-------|--------------------|-------------------|-----------------------------|
| I     | 1-14  | 17.07 acres        | 11.85 acres       | 69.42%                      |
| II    | 15-37 | 14.92 acres        | 7.11 acres        | 59.27%                      |
| III   | 38-41 | 2.41 acres         | 1.01 acres        | 58.06%                      |
| IV    | 42-51 | 4.09 acres         | 1.65 acres        | 56.18%                      |
| V     | 52-89 | <u>16.74 acres</u> | <u>5.88 acres</u> | <u>50.00%</u>               |
| Total |       | 55.01 acres        | 27.51 acres       | 50.00%                      |

As shown in the chart above the open space requirements are met for each phase and as a whole for the entire subdivision.

*Access* – Each phase of the subdivision must meet the access and cul-de-sac limitation requirements of the code. A cul-de-sac is limited to 500' in length, unless approved otherwise by the City Council. Staff has reviewed the phasing plan and all street length and access requirements have been met as presented in the application.

*Water* – the developers have yet to meet with the Water Board to determine the recommendation about the amount of water that will be required for the proposal. Review by the Water Board will need to occur before this item is heard by the City Council.

*Sensitive lands* – The property does contain some wetlands that will not be disturbed through the development process. The wetlands will become part of the open space for the development and will be preserved. There are two pot rock mound geologic features on the property. These will be left undisturbed, as required by the sensitive lands section of the code, and will be preserved in the open space area the development. There also is a stream/ditch that runs through the property. It will be impacted by the roads crossing the development because of the culverts that will cover the ditch. Midway Irrigation Company owns an easement to the ditch area and will need to approve modifications made to the current ditch.

## PROPOSED FINDINGS:

- The proposed master plan appears to meet the requirements of the code.
- The proposal does meet the vision as described in the General Plan for the RA-1-43 zone.

4. Recommendation of Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
  
5. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
6. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

Commissioner Streeter: What is the language in the Right to Farm? Does it list what the neighbors can and cannot do? I'm concerned about grass clippings etc. being fed to the animals. Grass clippings can kill a horse.

Paul Berg: The note references hours of operation, it mentions odors and smells, and animals nearby. It gives a description of farming activities. The Right to Farm that has been drafted up for Midway is not that detailed, the one Heber uses has more of those things in it.

Commissioner O'Toole: I notice that the road is very close to the wetlands and I know subtle changes can change them. Is there a buffer that is required between the road and the wetlands? Salts and other things can destroy wetlands.

Paul Berg: This road has curb, gutter and storm drain which will help prevent things running into the wetlands. These wetlands barley met the criteria to be considered a wetland.

Chairman Oksner: Will the LDS church have access to Burgi Lane or only to this development?

Planner Henke: The LDS cannot have two (2) access points off of Burgi Lane. We'd prefer them to both come off of Canyon View Road, but it's not been decided yet.

Commissioner Streeter: Will Interlaken be asking for a right of way through this development so they have a second access point?

Planner Henke: Yes, they do want a second access in and out of Interlaken.

Chairman Oksner: Do you have concerns with the language of the Right to Farm note as it is written?

Laren Gertsch: Not that concerned about the details.

Chairman Oksner: Do you want to limit people so they cannot feed your animals?

Laren Gertsch: Yes.

Commissioners: Discussed the road in Phase II.

Bill Probst: I want this done so we can have this asphalted before October 15<sup>th</sup>, because after this date you cannot asphalt unless it is 55 degrees and rising.

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Kohler; Mr. Chairman I move that we recommend approval of the Master Plan with conditional approval of the Master Plan. We accept the staff report with the accepted findings that the Master Plan appears to meet the requirements of the code. The proposal does meet the visions described in the general plan for the RA-1-43 zone. Also a finding that there were conditions raised concerning the proximity of lots 22-24 which will be addressed, because they are in Phase II that they will be addressed in the preliminary and final approval of Phase II. There is another finding concerning the trail, the developer will build a public trail through Phase I and Phase II.

**Seconded:** Commissioner O'Toole

**Chairman Oksner:** Any discussion

**Ayes:** Commissioner Streeter, Oksner, Kohler, and O'Toole

**Nays:** None

**Motion:** Passed

**ITEMS: 4 & 5**

Paul Berg, agent for Probst Enterprises and Dennis Higley, is requesting Preliminary/Final Approval for Phase 1 of The Sages PUD a large scale planned unit development. The proposal is for 14 units located on 17.07 acres which includes 11.85 acres of open space. The proposal is located west of Valais and is in the RA-1-43 zone.

**BACKGROUND:**

Probst Enterprises and Dennis Higley are proposing preliminary/final approval of phase I of the Probst property. Phase I is 17.07 acres and contains 14 units. The property will be developed as a Planned Unit Development (PUD) and will be similar to the Valais PUD to the east. The property will contain 11.85 acres of open space which equals 69.42% of the property in the phase. The first phase will contain all public roads because these roads are shown on the City's Master Road Plan. There will also be a mix of public and private trails throughout phase I. There are sensitive lands in this phase that contain wetlands, pot rock outcroppings, and a stream/ditch corridor.

**LAND USE SUMMARY:**

**LAND USE SUMMARY:**

- 17.07 acres
- RA-1-43 zoning
- Proposal contains 14 building pads
- Project is a Planned Unit Development
- Public roads will be the responsibility of the City
- HOA will be formed and all future phases will also become part of this same organization and subject to the same CCRs
- The lots will connect to the Midway Sanitation District sewer and to the City’s water line.
- 8’ paved public trail is planned along Canyon View Road and the connector road to Pine Canyon (as of yet is unnamed) and will be built by the developer.
- Sensitive land of the property include wetlands, stream corridor, and pot rock outcroppings

**ANALYSIS:**

*Open Space* – Phase I has more open space than is required but after all four phases are completed the open space will just meet the requirements of the PUD code. Below is the open space table for this all four phases:

| Phase | Units | Total Area         | Open Space        | Total project<br>Open Space |
|-------|-------|--------------------|-------------------|-----------------------------|
| I     | 1-14  | 17.07 acres        | 11.85 acres       | 69.42%                      |
| II    | 15-37 | 14.92 acres        | 7.11 acres        | 59.27%                      |
| III   | 38-41 | 2.41 acres         | 1.01 acres        | 58.06%                      |
| IV    | 42-51 | 4.09 acres         | 1.65 acres        | 56.18%                      |
| V     | 52-89 | <u>16.74 acres</u> | <u>5.88 acres</u> | <u>50.00%</u>               |
| Total |       | 55.01 acres        | 27.51 acres       | 50.00%                      |

As shown in the chart above the open space requirements are met for each phase and as a whole for the entire subdivision.

*Access/roads* – Phase I will have two access points and will comply with the requirements of the code. Both roads in this phase are shown on the City’s Master Road Plan and therefore will be public roads maintained by the City. The right-of-way will be 56’ with 30’ of pavement. On the areas with sidewalks there will be a 5’ park strip and the width of the sidewalk will also be 5’.

*Unit setbacks* - All units along public roads must have a 30’ setback from the edge of the right-of-way. All units will also have a 30’ setback from all peripheral property lines of the PUD.

*Water* – the developers have yet to meet with the Water Board to determine the recommendation about the amount of water that will be required for the proposal. Review by the Water Board will need to occur before this item is heard by the City Council.

*Sensitive lands* – The property does contain some wetlands that will not be disturbed through the development process. The wetlands will become part of the open space for the development and will be preserved. There are two pot rock mound geologic features on the property. These will be left undisturbed, as required by the sensitive lands section of the code, and will be preserved in the open space area the development. There also is a stream/ditch that runs through the property. It will be impacted by the roads crossing the development because of the culverts that will cover the ditch. Midway Irrigation Company owns an easement to the ditch area and will need to approve modifications made to the current ditch. A comprehensive study must be submitted before City Council review of this item.

*Property exchange/Canyon View Road Alignment* – Canyon View Road and Burgi Lane intersection will need to be adjusted to comply with engineering/safety requirements. The current intersection does not comply with current standards for two reasons. The first is because of its offset to Magpie Circle located on the south side of Burgi Lane. Because Burgi Lane is classified as a collector road, the offset on the intersection must be 10’ or less or 300’ or more to create a safe intersection. By adding up to 1000+ trips per day on this road the intersection must be made safer. An agreement has been signed by all of the parties except the LDS Church, though the LDS Church has agreed to the exchange, regarding a land exchange to make a safer alignment possible.

*Midway Sanitation District* - the developers have yet to meet with the Sewer Board to determine the requirements regarding sewer connection to Midway Sanitation District. Approval by the Sewer District will need to occur before this item is heard by the City Council.

*Geotechnical report* – The City has now received two geotechnical reports for the project. One is a recent report and the other is from several years ago.

*Trail Alignment* - The developer has proposed a public trail alignment through phase I and will extend through phases 2, 3, and 5. The trail will run along Canyon View Road and also the connector road to Pine Canyon Road.

*Density Determination* – The developer is proposing 89 units in the development. For a PUD, a developer receives 1.5 units for every acre based on gross acreage (no subtraction of property in roads). The total for this calculation is 82.52 units. They have also asked for a density bonus based on using architectural elements described in the code. The maximum density that could be received is .25 of a unit for every acre of ground which equals 13.75 units. The developer has asked for bonus of 6.48 units based on architecture. The Visual and Architectural Committee has reviewed the proposal and recommends the developer receive the density bonus for a total of 89 units in the PUD. They did recommend some conditions regarding driveway widths and landscaping that will be administered by staff through the building permit process.

#### **PROPOSED FINDINGS:**

- The proposal appears to meet the requirements of the code for PUDs.
- The proposal does meet the vision of the area as described in the General Plan for the RA-1-43 zone.
- A public Trail will be built by the developer that will be an amenity to the entire community.

#### **ALTERNATIVE ACTIONS:**

7. Recommendation of Conditional Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
8. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
9. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

#### **Item 4 Motion**

##### **Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Streeter; I move that we recommend conditional preliminary approval for Phase I of The Sages PUD a large scale planned unit development of 17 units on roughly 17 acres. The development is west of Valais in the RA-1-43 zone. I move that we accept finding of staff and that we add language that is more appropriate to Heber's Right to Farm language on the Right to Farm section of the plat, and that in the landscaping plan that we specify that the plants boarding Laren Gertsch's farm specifically not be toxic to livestock.

**Seconded:** Commissioner O'Toole

**Chairman Oksner:** Any discussion

**Paul Berg:** I have concerns about the way the last two (2) motions have been crafted. Sometimes when you say conditional approval it kind of leads people to think this is like a conditional use permit or if something happens five (5) years from now that doesn't meet that condition the approval will go away. I think really what you should be doing is recommending it for approval and then you can list any conditions. It's not really a conditional approval, it is an approval, but then there are other requirements that you are adding to it. I'm not trying to be a wordsmith or even an attorney. I think that it would read better.

**Commissioner Streeter:** I'd like to amend my motion to include Planner Berg's correction of the language.

**Seconded Amendment:** Commissioner O'Toole

**Ayes:** Commissioner Streeter, O'Toole, Chairman Oksner and Commissioner Kohler

**Nays:** None

**Motion:** Passed

#### **Item 5 Motion**

##### **Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Kohler; Mr. Chairman, I move that we recommend final approval given under the same terms and finding and terms of the preliminary approval of Phase I.

**Seconded:** Commissioner O'Toole

**Chairman Oksner:** Any discussion

**Ayes:** Commissioner Streeter, Chairman Oksner, Commissioner O'Toole and Kohler

**Nays:** None

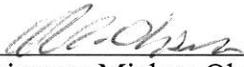
**Motion:** Passed

**Adjournment at 9:33 pm**

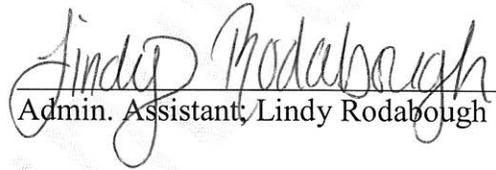
**Motion:** I make a motion that we adjourn.

**Seconded:** Commissioner Streeter

Meeting adjourned at 8:40 pm



Chairman; Mickey Oksner



Admin. Assistant; Lindy Rodabough

Approved Minutes

