

## **Midway City Planning Commission Regular Meeting August 16, 2017**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., August 16, 2017, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### **Attendance:**

Steve Nichols - Chairman  
Jim Kohler – Co-Chairman  
Natalie Streeter  
Jim Kohler  
Stu Waldrip  
Jeff Nicholas  
Bill Ream  
Kevin Payne

### **Staff:**

Michael Henke – City Planner  
Lindy Rodabough – Admin Assistant  
Wes Johnson – City Engineer

### **Excused**

Shauna Kohler  
Nancy O'Toole

### **6:50 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.
  - ❖ Invocation was given by Jeff Nicholas
  - ❖ Chairman Steve Nichols led the Pledge of Allegiance

#### **ITEM: 1**

**Review and possibly approve the Planning Commission Meeting of July 19, 2017.**

**Chairman Nichols asked if there were any comments or corrections for the minutes of July 19,2017**

**Chairman Nichols:** I noticed that one place that I was referenced and it should have been co-chair Kohler.

**Chairman Nichols:** If there are no other comments, I'll call for a motion.

**Motion:** Commissioner Streeter: I move that we approve the minutes from July 19<sup>th</sup> with the correction noted.

**Seconded:** Commissioner Ream

**Chairman Nichols asked if there were any discussion on the motion. There was none**

**Ayes:** Commissioners Streeter, J. Kohler, Waldrip, Nicholas, Ream and Payne

**Nays:** None

**Motion:** Passed

## **ITEM: 2**

**Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the ordinance for animal rights in all zones. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote allowing animal rights in zones where they are currently not allowed.**

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Land use summary
- Background
- Analysis
- Water Board Recommendation
- Possible Findings
- Alternative Actions
- Possible Conditions
- Aerial view
- Site plan

**Note:** A copy of Planner Henke's presentation is contained in the supplemental file.

### **Commissioners, staff and applicant discussion**

- Just to limit it to lot size seems troublesome. Maybe base it off the actual land that will be used for the animal(s).
- Maybe have a setback for the pasture area that is counted.
- Want to keep it as simple as possible, it's easier to administer.
- This code would be for all zones, commercial zones included.

- Maybe set a minimum space for larger animals.
- Maybe add a provision in the ordinance that reads for existing lots that did not previously allow animals, but now does allow animal use would require a submission that would show that there is a minimum of a half-acre of grazing land for larger animals.
- It's a problem when you have animals and you are very close to your neighbors.
- This will tie into Title:6 and Title:6 is our animal control ordinance. This and Title:6 will coincide with one another.
- Proper enclosure in HOA, some CCR's do not allow animals

### **Chairman Nichols opened the meeting to public comment**

#### **Robyn Stone**

- Concerned about the rule that states any building that houses animals has to be 100 feet from any dwelling.

#### **Ken Mickelsen**

- In the past month, I have facilitated two community meetings on the open space issue. The first meeting we had over 60 people in attendance, we broke down in small groups. Our focus was on how we can preserve more open space. Many of these issues that are being discussed here tonight has been talked about by citizens of Midway. There was an overwhelming consensus to change it from a zoning base to an acreage base. This has been discussed and there has been public input.
- My suggestion is to research how much acreage a large animal would require, for example a cow or horse.

#### **Sheila Probst Siggard**

- I like and I support seeing animals throughout town
- I'm in very much support of this
- There is not a lot of good places to ride horses. The trails that have been put in are asphalt which are not the best for horseback riding. If we want to keep Midway rural we should put soft trails in so horse owners can ride and enjoy those trails and not have to trailer their horses up to the hills to ride.
- To help maintain our rural atmosphere maybe have a youth scholarship program for the youth to have 4-H projects with their animals. I'd be happy to do some fund raising.

#### **Nathan Lord**

- In favor of this concept to encourage more animals in town.
- Maybe do it per lot size. If your lot size is .45 of an acre you'd get 45 points, if your lot size is .90 then you'd get 90 points.
- Broader managed through Title:6.
- Put animals in common areas.

### **Roger Urry**

- Small animals like sheep you can raise two to three lambs on a half-acre every year
- On under an acre and a half I'd raise six ewes, a ram and their lambs and that worked out fine. So small animals like sheep would work well on under an acre.

### **Amanda Peterson**

- I'm concerned on how the front yard back yard concept would be applied.
- Management technique is what makes the difference of the smells and flies.
- Don't base it on the fact the people are going to let their animals graze, because a lot of people that have performance horses do not allow them to graze.
- Need to be very careful about legislating animal management within your code.

### **Dan Luster**

- Open space and animals is wildly popular right now.
- To have a few key trails that allow horses throughout the community would be beneficial and charming.

### **Celeste Johnson**

- In favor for this type of code that encourages animals and the rural aspects.

**Chairman Nichols closed the meeting to public comment**

**Chairman asked for discussion from the Commissioners**

### **Commissioners and staff discussion**

- Create a proper enclosure/fencing for your animals.
- Keeping animals on property creates open space and view corridors.
- Some CCR's do not allow animals, that HOA would have to enforce their rules.
- Adopt the point system for every zone and have it the same for everybody.
- Loosen the code up on chickens to allow them on every property in Midway.

**Motion:** Commissioner Waldrip: I move that we approve the general concept of the number system for all zones that the staff has proposed with the request that the planning department talk to Heber to see if there is anything that their experience would suggest might alter the form of the ordinance and that we also look at doing the small birds on any zone at any time with the limitations that are involved. I wouldn't want to see 25 chickens in an R-1-9 residence myself. Limited to eight chickens. I think that if you get a large flock of chickens in a small neighborhood that makes kind of an issue.

**Chairman Nichols:** I have a question on your motion, you mentioned the points system. Do you want staff to specifically look only at the point system or do you want them to be able consider other options as to how we distribute animal rights throughout the zones?

**Commissioner Waldrip:** I think my motion would be just based on the points system and acreage rather than any other method, and then trust title 6 to regulate the nuisance factor if someone doesn't take care of their animals properly.

**Commissioner Ream:** I think there is general agreement on this. The question that I hear raised a lot is how many large animals on what acreage. I heard discussion from the audience that this is too restrictive.

**Commissioner Waldrip:** It's more liberal than the county. Where do you draw the line?

**Planner Henke:** So, just direction wise. Would the Planning Commission like to see more of an adoption of what is in the RA-1-43 across the board instead of going up to an acre and a half? We would just base it off one acre.

**Commissioners:** Yes

**Planner Henke:** That would be the easiest.

**Commissioner Waldrip:** That was the sense of my motion. Is that what I said? That is what I intended.

**Seconded:** Commissioner J. Kohler

**Planner Henke:** Do we agree with 10 chickens for the chicken ordinance then?

**Chairman Nichols:** Would it be helpful to give you a chance to research this Michael rather than us just pulling a number by consensus?

**Planner Henke:** From what I've heard I don't know if we are going to get any exact answers from anybody.

**Chairman Nichols asked for any discussion on the motion**

**Commissioner Streeter:** Have the staff look at possibly amending the current code from the fact that the barn must be 100' from any structure, because on these smaller lots there may be a need to change that in some way.

**Commissioner Waldrip:** That's a good question, it's maybe a separate issue. What's the rationale behind having the barn be 100' away from your dwelling place as a posed to a neighbor's property?

**Planner Henke:** The County code and the City code both have the same numbers, 100' from any dwelling unit for any structure that houses animals. I don't know the exact rationale.

**Member of the audience:** Health concerns.

**Chairman Nichols:** Any more comments or questions on this motion?

**Commissioner J. Kohler:** The example ordinance with the number eight in it. That was based on what?

**Planner Henke:** That's Heber City's ordinance.

**Commissioner J. Kohler:** I suggest that part of the motion is that we find out the basis for that and whether that's reasonable or not.

**Commissioner Waldrip:** I think kind of the consensus was 10 or 12 is what it should be, right?

**Commissioner Ream:** Something like that, yes.

**Commissioner J. Kohler:** I'm not in consensus with that.

**Commissioner Payne:** I would agree with that. Since we are getting the input from the City of Heber on the other provisions of the code that we are looking to somewhat mirror. I'd still like to see the input like you're asking for.

**Commissioner J. Kohler:** Yes, what the basis for that is whether it could be expanded or should be restricted.

**Commissioner Payne:** Absolutely.

**Commissioner Waldrip:** Maybe another suggestion is that the staff might want to call the Utah State Agriculture Extension service see if there's a chicken expert there that

can help us. If we make it so restrictive that people can't affectively raise chickens then we really haven't done anything good. We've got differing opinions of how many chickens.

**Chairman Nichols:** Procedurally we are not looking at language tonight, we're simply giving staff guidance that we do or do not and I think we do want them to go forward with writing language that would allow animal rights in other zones throughout the City. I think that we've had some great suggestions as to where they can do their research to find out what the optimal numbers should be and we can debate those next time when we actually have some language in front of us.

**Chairman Nichols:** All in favor of the motion

**Ayes:** Commissioners Streeter, J. Kohler, Waldrip, Nicholas, Ream and Payne

**Nays:** None

**Motion:** Continued

### ITEM: 3

**Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the requirements for setbacks of planned unit developments, large-scale and small-scale subdivisions located in Sections 16.16.8, 16.16.9 and 16.17.7 of the Land Use Code. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote preserving view corridors and the rural atmosphere of Midway.**

**Note:** This agenda item was skipped and never got heard in tonight's meeting. Will go on Septembers agenda.

### ITEM: 4

**Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the ability of sensitive lands to be included as required open space located in Section 16.16.10 of the Land Use Code. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote preserving Midway's rural atmosphere and reducing density where appropriate.**

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Land use summary
- Analysis
- Water Board Recommendation

- Possible Findings
- Alternative Actions
- Possible Conditions
- Aerial view
- Site plan

**Note:** A copy of Planner Henke's presentation is contained in the supplemental file.

### **Commissioners and staff discussion**

- More impactful change by upping the percentage of open space.
- Potentially will have a product change.
- Same density, but a different product.
- In other jurisdictions-in the majority of the County-don't give credit for density over certain sensitive lands especially wetlands.
- If you can't build on it, why get credit for it?
- Sensitive lands only means you cannot build on it, but you can still own that sensitive land.
- Sensitive lands can be usable lands.
- The effect of the sensitive land kind of translates into some open space that everybody can feel good about.
- It's difficult for everybody to separate sensitive lands from density.
- Reducing this to 0% might be a taking.

### **Chairman Nichols opened the meeting to public comment**

#### **Robyn Stone**

- We thought by identifying the sensitive lands they would be protected.
- So that the sensitive lands were protected as the unique face of Midway.
- The protection for the sensitive lands have been abused.
- We thought that development would not intrude against the sensitive lands.

#### **Paul Berg**

- Smart growth is a popular term right now.
- The only one that receives a density reduction is hillside and slope.
- You want to put things in your ordinance that promote the protection of sensitive lands and promote open space.
- You'll start seeing developers moving from developing PUDs that require 50% open space going to subdivisions that only require 15% open space.
- PUD developments are largely second homes, they have less of an impact on traffic and our schools.
- If we tinker too much with required open space we will start to see more multi-living family, you will see a change in the product.
- With clustering, we can promote open space and nicer communities.

- We need to promote clustering, but not penalize open space and not take density away from certain sensitive lands features.
- Consider density and sensitive lands together.
- If sensitive lands aren't counted and you still have 50% open space so the effective rate is now 70 or 75% open space I think that you will see a change in the housing product that maybe something that Midway doesn't like.
- Why penalize the very thing that you are trying to protect?
- Incentives based ordinance not a restricted based ordinance, like what is being proposed.
- Give incentives for what you are trying to protect.

#### **Ruth Holmes**

- Applaud the codification that excludes wetlands from being considered as open space for a development.
- A development that has been given credit for open space with wetlands is taking more from the community than it is giving.
- As a rural charming City, we do not want to be known as that type of a governing city as we are now becoming known.
- If a PUD is afforded the extra density the City should be getting some usable visible open space to offset tax and service increase.
- Please codify the separation of open space and wetlands as soon as possible.
- They will not change their product, don't believe that.
- What have some of these bigger developers given back to the community?

#### **Celeste Johnson**

- Density does not increase value scarcity does.
- While we look to try to lower some density and grow responsibly it actually could increase the value of the land that these land owners have. I think that it is a myth that if we start to lower density that they will not be able to sell their land.

#### **Holly Kent**

- With penalizing those that have their property in order to sell it. We're not really penalizing them or taking money away from them. They still have the right to sell.
- Everything has a market value, but everything has a different market value at different years. We can't control the market. We can't do our planning worrying if it is going to be someone's retirement, we have to look at what we are trying to preserve.

#### **Sheila Probst Siggard**

- Citizens of Midway don't want density or clustering.
- Not all land owners want to get all the money they can nor do they want to sell it.
- Everybody in Midway doesn't want to have all the development that we can.
- Sensitive lands need to be protected, that means that you do not increase the density around them.
- We don't want Envision Utah for our bible we want the general survey that the citizens of Midway proposed.
- Keep us more rural, less density and we want open space.
- Midway is at a turning point and a lot of people are coming here and they are fighting to keep Midway rural too, because that is what they came for.

### Nathan Lord

- I do worry about unintended consequences.
- I think that this is tied to density.
- Sensitive lands can be usable lands.
- Usable sensitive lands should count towards open space, if it's unusable sensitive lands then maybe they don't.

**Chairman Nichols closed the meeting to public comment**

**Chairman asked for discussion from the Commissioners**

### Commissioners and staff discussion

- Consult with the City Attorney about a taking.
- Move forward with this and not lump density with sensitive lands.

**Motion:** Commissioner Payne: I make a motion as presented by planning staff that 0% of sensitive lands be given credit as open space and that planning staff also consult with legal in turns to whether that 0% will be deemed a taking.

**Chairman Nichols:** Do we have a second?

**Seconded:** None

**Chairman Nichols:** Motion fails for the lack of a second. Do I have another motion?

**Motion:** Commissioner Streeter: I move that we recommend to staff to go ahead and draw up text for consideration that does not allow sensitive lands to be counted as open space.

**Seconded:** Commissioner Payne

**Chairman Nichols:** Discussion on the motion

**Commissioner Ream:** Do you want to protect ourselves from any legal action by saying something like if the sensitive lands don't constitute more than 50% of the property or something?

**Commissioner Streeter:** Going by what Michael and Stu have said, I actually think, and this is why I was pushing 0% in the beginning, but when Michael and I sat down with google earth I didn't think that we'd tread into takings territory. Michael did, Michael has rethought it, I trust Michael. I looked at it and think that we should do something real simple like 50. I don't think we should really be sitting here trying to split hairs. I think it should be 0, 100 maybe 50, but something that makes it really simple to calculate.

**Commissioner Ream:** Zero is okay. What I'm saying is what if the property has sensitive lands that is more than 50% of the area? Do we then get into an area then where all of the sudden we are taking?

**Planner Henke:** What it does is it would require them to cluster more. It doesn't effect density directly, it depends on what kind of product they want to build. It's not that they are going to lose density, it's their choice if they lose density. That's the issue.

**Chairman Nichols:** Do you want to make any amendment to your motion?

**Motion:** Commissioner Streeter: I move that we recommend that staff write a code text

amendment that says that sensitive lands cannot be counted as open space.

**Seconded:** Commissioner J. Kohler

**Chairman Nichols:** Discussion on the motion?

**Commissioner Waldrip:** I think that it is too radical of a departure from the current code. I would suggest that 50% would be an appropriate reduction, I think 100% is too radical.

**Chairman Nichols:** Do you want to amend your motion?

**Commissioner Streeter:** No.

**Commissioner Nicholas:** Planner Henke, what do you think about 0%?

**Planner Henke:** When we first started talking about this I thought that we'd be somewhere in the middle. There is a push to go even further than 50% and I do think that other communities don't count sensitive lands towards density so I think there is an argument to go down to 0%. I think that could be recommended and I think a part of that could be with having the City attorney have a closer look at it to see if we have an issue or not. I do think that 0% is something that could work.

**Commissioner Nicholas:** Do you think that there will be unintended consequences that Paul was referring to?

**Planner Henke:** I have a hard time seeing what those are. I'd have to have him explain those in clearer terms. I do think that other communities have the same ordinance.

**Commissioner Waldrip:** The reason for my position is that a lot of the sensitive land is in fact useable, it's not that it's isolated and has a fence around it. Even the wetlands or at least in part most of them in part are useable, like my back yard for example. So, to say that you don't get any credit for that even though it does constitute useable open space in many cases is just going too far.

**Commissioner J. Kohler:** I do not know how you'd defend any number other than all or none. Anything else seems arbitrary to me.

**Chairman Nichols:** We have a motion and we have a second. All in favor of the motion

**Ayes:** Commissioners Streeter, J. Kohler, Nicholas, and Payne

**Nays:** Ream and Waldrip

**Motion:** Continued

**Planner Henke:** Clarification. Was that motion to come back to Planning Commission or directly to City Council?

**Chairman Nichols:** The motion was for you to write the actual text of the amendment and bring that back to Planning Commission for final approval.

## **ITEM: 5**

**Nora Lundin is requesting annexation of 3.77 acres and R-1-22 zoning has been requested for the property. The applicant would like to subdivide the property into six lots. The property is located at approximately 900 West Swiss Alpine Road.**

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Land use summary
- Analysis
- Water Board Recommendation
- Possible Findings
- Alternative Actions
- Possible Conditions
- Aerial view
- Site plan

**Note:** A copy of Planner Henke’s presentation is contained in the supplemental file.

**Commissioners, staff and applicant discussion**

- 90 degree turns on Swiss Alpine Road.
  - A) Safest design we can do is to keep the 90-degree bend.
  - B) Landscaping could be a potential issue.
  - C) The safest intersection is a T-intersection. Keeping it at 90-degrees we are able to put T-intersections on the rest of Swiss Alpine Road that is surrounding this area.
  - D) The fear is if we straighten that out people will not reduce their speed as they come off the hill.
- The tress that run north and south, is there an irrigation ditch there? Will we have to work around them to build the new road?
- Would like to construct the connector road from Swiss Alpine over to Bigler Lane at the same time as this subdivision is coming in.

**Applicant; Nora Lundin and Randy Lundin:**

- Those trees are dead and there is no longer a ditch there.
- There is an irrigation easement there.

**Chairman Nichols opened the meeting to the public**

**No comment public comment; public comment was closed**

**Chairman Nichols:** Commissioners, any further discussion or questions?

**Commissioners discussions/comments**

**Commissioner Waldrip:** I think this is really a good thing. We have the complication of access to that road and this takes us a step further. We’re imposing some conditions that I’m sure doesn’t go down easily with the Lundin’s, but I think at the same time we should pat them on the back and say thank you, because this enables us to give a component of public safety here that we are really looking for and it just improves the situation in that neighborhood significantly. So, I’d like to say with the fees and the road dedication and the stuff you have to pay for, thank you for doing this. This will be helpful to the City.

**Commissioner Streeter:** Regarding the landscape improvements that we are asking for in front of the trailer park. Since there is an irrigation line there we should probably coordinate the improvements with the irrigation company. In this case we would vary from our standard condition and say shrubs would be okay.

**City Engineer; Wes Johnson:** We will work with the irrigation company on what landscaping goes in there.

**Commissioner Nicholas:** How is the landscaping or beautification plan determined? Is that something that is worked out with the City Council and an agreement is reached, or what is the expectation there?

**Planner Henke:** It's pretty open right now, we've just talked about some improvements in that area on the north side of Swiss Alpine Road, but we haven't made any specifics. Now as for how that would happen if the Planning Commission or City Council has specific expectations, it sounds like we have a little bit of direction from Commissioner Streeter right now for some bushes or shrubs. We'd be happy to work with that otherwise we'll probably just work with staff and the irrigation company to come up with a plan.

**City Engineer; Wes Johnson:** We are very well aware of the issue that trees could cause to an irrigation line.

**Chairman Nichols:** Do I have a motion?

**Motion:** Commissioner J. Kohler: I move that we recommend to City Council approve the annexation of the 3.77 acres of the Lundin Farms property located at 900 W Swiss Alpine Road with proposed zoning for the property of R-1-22. We accept the finding of the staff report that the City will gain control over land use and zoning if the area is annexed and we recognize that this proposal is a legislative action. The conditions are, one that there would be 28-foot land dedication from the annexation boundary to Bigler Lane, the subdivision reconsider to put open space along Swiss Alpine Road, there'll be landscaping along the north side of Swiss Alpine Road in coordination with the Irrigation Company and the park annexation fees will be required as provided in the staff report.

**Chairman Nichols:** Do we have a second?

**Seconded:** Commissioner Nicholas

**Chairman Nichols:** We have a second. Any discussion, questions or comments on the motion?

**There was none.**

**Chairman Nichols:** All in favor?

**Ayes:** Commissioners Streeter, J. Kohler, Waldrip, Nicholas, Ream and Payne

**Nays:** None

**Motion:** Passed

## ITEM: 6

**Berg Engineering, agent for Kent Buie, is requesting Final approval of Saint-Prex Estates. The proposal is a large-scale subdivision that is 11.54 acres in size and will contain 16 lots. The property is located at 800 West Swiss Alpine Road and is in the R-1-22 zone.**

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Land use summary
- Analysis
- Possible Findings
- Alternative Actions
- Possible Conditions
- Aerial view
- Site plan

**Note:** A copy of Planner Henke's presentation is contained in the supplemental file.

**Planner Henke:** The developer will need to build the half width road of Swiss Alpine along the frontage.

**City Engineer; Wes Johnson:** I thought when we talked that was going to be a full width road in exchange for curb and gutter.

**Applicant; Kent Buie:** That was never discussed, that's the first time I've heard you bring that up Wes.

**City Engineer; Wes Johnson:** We've talked about that from day one.

**Applicant; Kent Buie:** No. From day one we were going to do a half width and you were going to do a half width. That's always been the discussion, this is the first I've heard of this.

**City Engineer; Wes Johnson:** Then I think we need curb and gutter, catch basins and storm drains done. I guess Planning Commission can discuss it. We have extensively talked about that, that curb and gutter wouldn't be required and we'd put a flat ribbon curb that uses the borrow ditch as a swell. If we're building half the road I think we need a high back curb and gutter with catch basins and a storm drain system.

**Applicant; Kent Buie:** How did we design this Paul?

**Paul Berg:** I have it designed as a half width and a ribbon curb.

**City Engineer; Wes Johnson:** Which is redlined on my desk at my office.

**Commissioner Streeter:** Wes why don't you give us the two options and we can say what we think is most appropriate, and then it moves forward.

**City Engineer; Wes Johnson:** Down the frontage of this development we've talked about a flat ribbon curb, which allows the runoff to go and the use bar ditch for the drainage. If he wants to build the entire width of the road way in front of the development.

**Applicant; Kent Buie:** The City was going to build the north half and we were going to build the south half.

**City Engineer; Wes Johnson:** So, if the developer wanted to use the ribbon curb and use the borrow ditch as the swell and build the entire width of Swiss Alpine Road, that was an option. The Mayor explained the cost savings of doing that. The cost savings is you put modified curb and gutter that retains all of the water and you start putting catch

basins down the side of that and you start putting in a storm drain pipeline with man holes that would be more expensive than building the entire road way. At that point, I felt very confidently the option that the developer chose is we'll build the road way of Swiss Alpine Road with the ribbon curb using the swell as their drainage. That is the two options.

**Commissioner Waldrip:** If you guys are at odds with each other and we're not ready, do you want to continue this until next meeting?

**Applicant; Kent Buie:** That is sure not our preference. We didn't come here with the idea of this happening.

**Commissioner Waldrip:** One side or the other is not going to win this argument to present something unified to present to the Planning Commission.

**Applicant; Kent Buie:** Obviously at this point we should probably take a pause and see what our next move is here.

**Chairman Nichols:** It's your preference. We can continue with this item or we can continue it.

**Applicant; Kent Buie:** We'll have to continue it. Let us get together and we'll work this through.

**Chairman Nichols:** Okay, we understand. We'll note that the developer has asked to continue this item for the next meeting and that will be our resolution.

**Motion:** Commissioner Waldrip: I move that we continue this item at the developer's request.

**Seconded:** Commissioner Streeter

**Ayes:** Commissioners Streeter, J. Kohler, Waldrip, Nicholas, Ream and Payne

**Nays:** None

**Motion:** Continued

## ITEM: 7

**Berg Engineering, agent for Kent Buie, is requesting Final approval of Cascades at Soldier Hollow Phase 2. The proposal is a large-scale subdivision that is 11.23 acres in size and will contain 18 lots. The property is located at 500 West Cascade Parkway and is in the R-1-15 zone.**

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Land use summary
- Analysis
- Water Board Recommendation
- Possible Findings
- Alternative Actions
- Possible Conditions
- Aerial view

- Analysis
- Water Board Recommendation
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- Site plan

**Note:** A copy of Planner Henke's presentation is contained in the supplemental file.

### **Commissioners, staff and applicant discussion**

- This has not been discussed before, but who will be responsible for removing that temporary turn around? That will not need to be a cul-de-sac anymore.
- The asphalt could stay if lot 48 wanted it.
- It would seem as a matter of precedence; wouldn't we want it removed? We should say that when the other road is put in then the temporary portion is removed.
- It will need to be saw cut so they are tying onto a clean straight edge as they continue the road through phase 2 into phase 1. It is not a big expense, it's just a matter of saw cutting and removing that asphalt.
- The lot owner of 48 owns the temporary turn around because it is on their lot. Lot 48 is still vacant.
- You are coming in here finishing up the second phase as the developer, it's not unreasonable to expect the developer as phase 2 to finish out the work. Which includes relocated the street and putting in the landscaping.

### **Applicant; Paul Berg and Kent Buie**

- This is new to us tonight so we are unprepared to give an answer about this issue.
- Give us the option to contact the owner of lot 48 to see if they want to keep the pavement on their lot.
- This is a surprise to us that it was going to be required of us to take out the abandoned Cascade parkway nor was it ever mentioned that we would have to do the landscaping there.
- What was unreasonable was to inform us of this at 4:30 today.

**Motion:** Commissioner Waldrip: I move that we recommend to the City Council the final approval of the Cascades at Soldier Hollow Phase 2. The proposed large-scale subdivision that is 11.23 acres in size and will contain 18 lots. It's in the R-1-15 zone. I propose that we accept the findings of the report and the findings of the staff with respect to it that it meets the intent of the General Plan for this zone and that it complies with the land use requirements for that zone. And that the developer as a condition of this approval will construct 970 S and deconstruct the existing Cascade Parkway east of the new alignment of the road and landscape the area above the utilities and so forth

where the road right of way was before. With respect to the temporary cul-de-sac as a part of lot 48 that the developer and the engineer attempt to work out before the matter comes to the City Council for final determination what's going to happen who is going to be responsible for taking it out or whether the land owner wants to leave it in all those things to work out a proposal or some alternatives to present to the City Council for final determination as a part of this.

**Chairman Nichols:** Just to clarify your motion is not that the removal of that road section and landscaping be left open for further discussion, but the recommendation to City Council is that be the responsibility of the developer?

**Commissioner Waldrip:** No, no, that it is left over further discussion between the engineer and the developer and if they don't agree on it then it be presented to City Council for final.

**Chairman Nichols:** I'm going to clarify. That applies both the removal extra portion of the cul-de-sac.

**Commissioner Waldrip:** Oh no, just the cul-de-sac. The road way on the north is a done deal.

**Chairman Nichols:** In your motion it's a done deal, but that's the responsibility of the developer?

**Commissioner Waldrip:** Yes, for the developer.

**Chairman Nichols:** Do I have a second?

**Seconded:** Commissioner Nicholas

**Chairman Nichols:** Any questions or discussion on the motion?

**There was none**

**Chairman Nichols:** All in favor.

**Ayes:** Commissioners Streeter, J. Kohler, Waldrip, Nicholas, Ream and Payne

**Nays:** None

**Motion:** Passed

**Commissioner Waldrip:** I have a further motion that we continue item #3. And that the meeting be adjourned

**Chairman Nichols:** Do I have a second?

**Seconded:** Commissioner Streeter

**Chairman Nichols:** All in favor.

**Ayes:** Commissioners Streeter, J. Kohler, Waldrip, Nicholas, Ream and Payne

**Nays:** None

**Motion:** Chairman Nichols: So, moved, we are adjourned.

**ITEM: 8**

**Adjournment**

**Motion:** Commissioner Waldrip: (see above)

**Time:** 11:03 pm



Chairman- Steve Nichols



Admin. Assistant - Lindy Rodabaugh