

# Naples Planning and Land Use Regular Meeting Minutes September 23, 2008

**Commission Present:** Chairman Dale Harrison, Vice Chairman Jim Garner, Stanley Johnson, Walter Gale

**Commission Absent:** Jim Richards

**Council Rep Present:** Kenneth Reynolds

**Others Present:** Craig Blunt, Brandy Goff, Greg Simmons, Randy Simmons, Jed Cowan, Guy Collett, Bret Stringham

**Open Ceremonies:** Chairman Dale Harrison welcomes everyone and called the meeting to order at 7:15 p.m. The pledge of allegiance and a prayer was given.

**Approval of Agenda:**  
September 23, 2008  
Craig Blunt: Jed Cowan for Winder Lot #2 and Randy Simmons and Greg Simmons for Vic Condie's annexation with R2 and R3 Consideration to be added to Items for Future Discussion. Vice Chairman Jim Garner makes moved to move Items for Future Discussion up on the agenda following Approval of Minutes for September 9, 2008. Stanley Johnson seconds the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Garner</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>

The motion passed with all voting Aye

**Disclosures:** None

**Approval of Minutes:**  
September 9, 2008  
Stanley Johnson makes moved to approve the minutes for September 9, 2008. Walter Gale seconds the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Garner</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>

The motion passed with all voting Aye

**Items for Future Discussion**  
**Winder Lot #2**

Jed Cowan: I am with Castlerock excavation. I am here for three reasons, one is to offer an apology, the second is to discuss the plot plan and the third is to discuss the façade specific to the apology that we would like to offer. We had an original plot plan that the Commission had approved back in February 2008. This plan had a lot of asphalt on it, as we got further to the dig date we had to cut the amount of asphalt back. We submitted a new plot plan to Greg Platt with less asphalt. Two weeks ago we learned the new proposal was denied in April. We were not at the meeting but we did have a phone conversation with Greg Platt and he said to go ahead with the new plot plan. We have spent hundreds of thousands of dollars on a plot plan that had been denied. The only difference is less asphalt. I would like to say this was an honest mistake and would like the Commission's input on how to fix it. We would like to draw a new plot plan that shows cars driving on asphalt from gravel before it hits City streets. Chairman Dale Harrison: I am concerned about the apron being only thirty feet. There would not be enough room for a vehicle to get to the first stall. I would like to taper the apron back a little further. Jed Cowan: the approach is ten feet, what you are seeing is an additional thirty feet of asphalt. Chairman Dale Harrison: the asphalt needs to be brought back seventy there would be enough room for a truck to get in and out while staying on the asphalt. Jed Cowan: we need to address the façade of the building. Craig Blunt: the panel they have on the building is okay but they are missing the rock work on the bottom portion. My brother Mark brought the stone in for the front of the building. We were under the understanding this would be favorable. Stanley Johnson: we were under the impression we were approving the panel with the rock work. Jed Cowan: I would like to be clear that we didn't arrogantly do a plot plan; we understood the plan had been approved. As far as a certificate of occupancy, this piece of property is on a ten thirty one exchange. She needs one by the middle of October; can we get a temporary certificate of occupancy? Craig Blunt: I can do that but we need you to put a bathroom in.

**Residential 2 and Residential 3  
Consideration, Vic Condie's  
Annexation**

Mr. Simmons gives the Planning Commission a copy of the plot plan. Greg Simmons: there will be twenty acres that stays commercial. There is a proposed road that will come off of 1500 South and run through the proposed property to 3050 South. The top portion of the proposed property will be commercial and the bottom will be residential. In the last meeting the Commission tabled the decision for the R3 zone. Chairman Dale Harrison explains the review of the ordinance for R3. R3 would allow a lot of houses. We are discussing this tonight to

determine the amount of housing allowed in R3 in Naples City. This development is proposed close to our Downtown area. Walter Gale: we can not dump 1200 cars onto either of these roads. Craig Blunt: Vic Condie is proposing a mixed use in the residential zone. He would like to do multi family dwellings with cottages. This development will be broken up. Chairman Dale Harrison: we would like to see housing go in and I like the fact that this is within distant to our Downtown area. We need the housing to support the commercial growth in our area. Craig Blunt: Vic Condie's goal is to make this look like Silver Pines. He will provide open space, club house with a swimming pool etc. Vice Chairman Jim Garner: can we write the ordinance so it gives 13-15 units/acre then mandates to follow R2 regulations? Craig Blunt: we wouldn't be able to make that work. Chairman Dale Harrison: I would like to see it broken up. As far as the annexation, I am in favor of it. Chairman Dale Harrison: we would like to see the plat for this development to see what Vic Condie has in mind.

### **Ordinance Updates**

#### **Guest Houses or Casitas and Temporary And Permanent housing for Families**

Craig Blunt: I have made this into two parts. The ordinance for Casitas will stand on its own. Bret Stringham: is this for a man camp? Chairman Dale Harrison: no, this is for a mother-in-law home. It is strictly limited to immediate family. Craig Blunt: The first part of the ordinance is for the permanent housing. The second part discusses the temporary housing. The temporary guest house is defined as an adjoining living unit with a sleeping area(s) and a bathroom, with or without kitchen facilities, which is detached from the main single family residence on the same lot meeting the same set back requirements as members without compensation, but they may not be rented, leased or sold separately from the dwelling on the main single family lot. Trailers, RV's, campers or vehicles may not be used as a guest house or casitas. The difference between a permanent and a temporary unit is a permanent can be a stand alone, detached or attached. It has the same requirements to it with the exception of a permanent unit, you cannot bring in trailers, campers, any sort of temporary unit. Temporary restricts trailers, RV's, campers but not manufactured housing. A family is defined as the son or daughter or father and mother or grandfather and grandmother of the single dwelling owner. All of this falls under a conditional use. This would come before the Planning Commission. During subdivision developments, if they wanted to put these in it should be addressed at that time. If someone wanted to add one later they would go through the building official and follow all of the regulations for that. For a temporary unit, addressed in section I of the ordinance: Temporary Guest Houses or Casitas shall be subject to the same condition as the permanent Guest a House or Casita. The Conditional Use Permit is for two (2) years and is renewable for another additional year not to exceed a total of five years. There permit is issued to one individual and is not transferable. As a condition the deed restrictions need to be filed so that it becomes part of the property as permanent and temporary. It is also written in the deed restriction that you can't rent, lease or sell the units. There is a section for Special Exceptions for Nonconforming Guest Houses and Casitas that comply with all regulations except height, size, and location may make application to the Naples City Board of Adjustment for a Special Exception. The application process,

fees, and all criteria and requirements for Special Exceptions that are in effect at the time of application shall apply. There is a section that specifies the Council is to make the determination for emergency temporary housing. Vice Chairman Jim Garner: I didn't understand for a temporary permit, after two years you have to remove the lease and take the unit out, do they pour a foundation? Craig Blunt: the permit stays temporary. There are conditions I need to add to this. Under the conditional use, a temporary permit was required to bore holes below the frost line so they had something to anchor the dwelling to so the structure wouldn't move. They can then put up a facade and skirting that had to match what was in the area. For the temporary it was mandatory for them to hook on to part of the water, sewer and electrical so they could get permission. They would have to get a petition signed by the neighbors saying they were in favor of this. With a permanent unit, it is permitted; temporary isn't permitted with this unless they met all of the requirements. Vice Chairman Jim Garner: how do you make a temporary foundation? Craig Blunt: temporary houses are generally manufactured homes brought in and set up according to the manufactures regulations. They do make manufacture homes that are about 600 to 800 square feet. Stanley Johnson: the temporary permit doesn't have to be applied for after two years? Craig Blunt: yes, those are the conditions that we will have to add to this. They have to follow all of the conditions. Vice Chairman Jim Garner: they still cannot be rented or sold? Craig Blunt: or leased. They have to be part of the main structure. The dwelling may be detached but it is part of that property. The restrictions would be on the deed restriction. Stanley Johnson: when there isn't a need for the dwelling anymore what can the family use it for? Craig Blunt: they can use it for anything as long as it is owner occupied. Chairman Dale Harrison: for a temporary permit, I know it is an emergency situation but I still think we need to look at the safety aspects. I think these homes need to be anchored. Craig Blunt: we need to decide what can be used as a temporary dwelling within that size without having mobile homes. Chairman Dale Harrison: I don't mind mobile homes but I don't want the old run down mobile homes being put in. Craig Blunt: we could put a date on the homes. Chairman Dale Harrison: I would recommend no older than twenty years. Stanley Johnson: would that tie the Commissions hands when it comes time for them to reapply for a permit? Chairman Dale Harrison: I think it needs to be in the ordinance that the owner could put the labor and money into repairs of the home to make it better. Stanley Johnson: it would have to pass HUD codes. Stanley Johnson moved to recommend to City Council a final read for Guest House or Casitas and temporary and Permanent Housing for Families with the stipulations 1. Can't be more than twenty years old 2. Exception review on individual basis as to upgrade trailer to pass HUD and Utah Housing codes 3. Minimum post and pillar foundation meeting all wind load acreage 4. Unit to be set up according to manufactures recommendations. Vice Chairman Jim Garner seconds the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Garner</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>

The motion passed with all voting Aye

**Quorum Requirements  
Land Use Ordinance 02-04**

Craig Blunt: I need to know if you want to leave it written that you could have up to five alternates but regulate that in the Bylaws. Chairman Dale Harrison: I would like to leave it written and put it in the Bylaws. We would be able to change that as it may be needed. Vice Chairman Jim Garner: how many alternates are we going to get? Craig Blunt: you can decide now. Chairman Dale Harrison: I think we need two. Vice Chairman Jim Garner: I think we need two. The alternates should have to be here so if they are called to be a part of the quorum they can make informed decisions. Craig Blunt: at the same time the alternates can take part in the discussions. Stanley Johnson: do we need to put in the bylaws that meetings are held every second and fourth Tuesday? Craig Blunt: yes. The Commission will be able to change this if needed. Vice Chairman Jim Garner: I would like to change the minimum agenda items from twelve to ten. Craig Blunt: we have increased the two day in house notice. We have been trying to mail it out one week before the meeting. Vice Chairman Jim Garner moved to accept the Bylaws and Quorum Requirements Chapter 02-04 with the changes. Walter Gale seconds the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Garner</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>

The motion passed with all voting Aye

**Impact Fee Analysis**

Craig Blunt: You have received over the last couple of months a copy of the Public Safety, Parks, and Roadway fee analysis and a summary of the analysis. This is now on display at the library and on the website. There is a public meeting scheduled for October 9, 2008 to give the public the opportunity to give their input as well as discuss the adoption of an ordinance that will accept the analysis and the capital facilities plan. The Council could discuss how much impact fees they want to access. I did add to the back of this ordinance, in section 6. It will give you an idea on how much of an impact fee you can assess. The maximum impact fee for parks and recreation is \$1309.00. Chairman Dale Harrison: why is there such a variation on the roadway impact fees? Craig Blunt: this is set up so the property owners could get property tax credits, etc. This is a very difficult thing to adopt, it affects everyone. The Council needs to consider if they want to adopt those amounts. We will have the person who developed the Impact fee analysis here to offer explanations to the public as well and the Council. One of the issues the Council has is having a struggle with is we now have fire and parks and recreation district. Chairman Dale Harrison: realistically the police and fire department cost, they are there protecting us we need to start taking care of them. That is why this impact fee is so crucial.

**Assisted Living  
Utah Code Chapter 26-20**

I did embellish a bit more than what you see here. The administrative part insures the people running it are credential to do so. To keep the number of beds at sixteen we will classify this as and AL1, Assisted Living level one and AL2, Assisted Living level 2. This will keep it at sixty five years and older and sixteen beds or less. Walter Gale: what do you do if there is a there is someone who is not sixty five years or older and requires assisted living? Guy Collett: I could get a variance from the State. This is not a facility for the disabled; it has to be age related. Craig Blunt: we have residential zones that we could allow assisted living centers in, RA1, RA2, R1 and R2. Guy Collett: you would want to put the assisted living in a residential area. We are required to put them where there are sidewalks. Craig Blunt points out on the Naples Downtown map where there are designated areas for facilities related to assisted living. Guy Collett: we would prefer to put these homes in residential areas instead of commercial. By putting assisted living homes in a commercial area, it takes away from the hominess of it. The reason AL1 and AL2 do so well is under sixteen beds is because you have the homey neighborhood feel, it feels more like home instead of an institution. If you put this in a commercial zone where there is a lot of businesses you lose that neighborhood feeling. The residents are ambulatory, communicate well and have all their mental faculties where they enjoy the interaction with the community. Craig Blunt shows the Commission what will be added to the R1, RA1, R2, Ra2 zones to allow assisted living. Chairman Dale Harrison: what are the stipulations for the residents to live in a Bee Hive Home? Guy Collett: we can assist them with up to four activities of daily living. They need twenty four hour care but require some assistance. They have to be ambulatory, they have to feed themselves; they can't have Alzheimer's to a point where they will harm themselves or others. There are concerns from people about what would happen to the facility if the facility were to close down, what happens to the home? The buildings can not be used as a wayward youth home. The State has protected this so it will always be an assisted living home. Vice Chairman Jim Garner: is there a demand for this? Guy Collett: right now, yes. We had a twelve bed in facility in Maser. We built one in Vernal with sixteen beds and filled it within four months, all twenty eight beds. Craig Blunt: this ordinance will go to a public hearing October 9, 2008. I wanted to have a final draft before the public hearing. Vice Chairman Jim Garner makes a motion to present this to the City Council following corrections and the attorney's add-ons. Stanley Johnson seconds the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Garner</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>

The motion passed with all voting Aye

**Residential 2 and Residential 3**

Craig Blunt: as a reminder, the difference between R2 and R3 is R3 allows some office buildings and commercial structures that create a buffer between residential and the real commercial zone. Craig Blunt reads the ordinance: The R3 zone has been established for high density

residential purposes, but in which office buildings and certain other uses of semi-commercial zone as a transitional zone between the commercial zone and the residential zones surrounding the commercial zone. Since this zone is essentially residential in character, office buildings, rest homes, mortuaries, parking lots, and other transitional uses must be developed and maintained in harmony with the residential uses. While the greater amount of automobile traffic and automobile parking is characteristic of this zone, attractive lawns, trees, and shrubs; both on the street and around the buildings is characteristic of this zone. In order to accomplish the objectives and purposes of this ordinance and to stabilize and protect the essential characteristics of the zone, the following regulations shall apply in the R3 Residential Zone. Craig Blunt: Does the Commission want thirty or less dwellings per acre or fifteen or less units per acre? We could also limit the acreage allowed for an R3 zone. Craig Blunt: the next conditional use is office buildings or a group of office buildings on one lot, but not including retail or wholesale commercial established. Would Hospitals and Clinics be allowed? Chairman Dale Harrison: clinics yes, hospitals no. We need to define the clinic as outpatient with open hours seven a.m. to ten p.m. Craig Blunt: the next permitted use is parking lots, wedding chapel and non flashing signs. The conditional use would follow our chapter on permitted uses, multi family dwelling units containing fifteen units, bachelor dwellings, boarding house. We need to define boarding houses. Craig Blunt: maybe we should remove bachelor dwellings and boarding houses then add bed and breakfast. Chairman Dale Harrison: I agree. Craig Blunt: the maximum height is three story or thirty five feet. Chairman Dale Harrison: does this include steeples for churches? Craig Blunt: yes. Chairman Dale Harrison: I think we need to set limits but I don't want to tell a church they can't put up a seventy five foot steeple. Craig Blunt reads 02-25-008 Special Provisions: Same as provided in the R2 Residential Zone except that off street parking and landscape plans shall also be required for office buildings, clinics, mortuaries, and similar structures. At least thirty percent of the residential lot area shall be maintained in open space. At least twenty percent of the nonresidential lot area shall be maintained in open space. Mobile homes shall not be allowed in the R3 zone. Chairman Dale Harrison: I think we should add no RV's. If there is going to be a cluster like this of houses there will be no room for RV's. Craig Blunt reads: Other housing operations can be provided in accordance with Chapter 9 PUD of the ordinance. The design for curb and gutter in Residential subdivisions shall be either high back or modified high back according to UDOT standards. Chairman Dale Harrison: can we write in the ordinance that recreational vehicles unless the developer puts in a parking area for the recreational vehicles. Most people have an RV or a four wheeler, I don't want to see them sitting in their yards but they should have a place in the development. Vice Chairman Jim Garner: we need to crunch some numbers. Not every household will have recreational vehicles. I think we should mandate one stall per five dwellings. Walter Gale: I would like to see something else besides a chain link fence around the RV parking area. It needs to be decorative and obscured. Craig Blunt: this ordinance will go to the Council for a public hearing. I will bring back the final draft when after it goes through the Council.

**One and Two Family  
Dwelling Units**

Craig Blunt: We will bring this back to the next meeting. This ordinance keeps single wide trailers out of the City. We need to consider rentals and student housing. The ordinance will restrict single wide trailers to mobile home parks. Chairman Dale Harrison: will we be restricting mobile homes? Craig Blunt: they can only be single family dwellings.

**Grants  
CBDG & CIB**

Craig Blunt: I need the Commission's recommendations for grant monies. In the last meeting we discussed fire hydrants, ADA compliance for the City Office and Assisted Living. The problem we are running into with the committee is affordable housing. The Community Impact Board will fund equipment. Are there any projects that stand out to the Commission? Chairman Dale Harrison: assisted living. Craig Blunt: our highest priority is roads. Economically it would be wise to get 2500 South widened and repaired. Stanley Johnson: which is a higher priority, widening 2500 South or applying for funding for building 3000 South? Craig Blunt: we have learned with the Community Impact Board their priority has changed to long term for health and welfare; which is water and sewer. Roads are on the very bottom of the list even though we have demonstrated it is necessary to move on Naples roads to get the taxes for the oil and gas companies. 2500 South is a multi million dollar project. The CIB is more willing to loan than grant monies. It is too risky with the economy for a City to go into that much debt. The opinion of the CIB is the people who front the roads should pay for them. We try to explain the impact and the need without raising taxes or make the public pay for it. The developer causes an impact. 2500 South is an existing road, but it is one that justifies itself in hopes Uintah County will continue the road. Chairman Dale Harrison: where Uintah County impacts our roads, how does that work with maintaining the roads, do they have to help fund the road? Craig Blunt: no. The idea is the developer should pay for the road. Walter Gale: doesn't the developer get the money back? Craig Blunt: yes, with the selling of the land. Chairman Dale Harrison: we need to keep fire hydrants on the list, equipment and 2500 South. Craig Blunt: please consider 1500 south, part of that will be the dugway. Craig Blunt: we have the list for CBDG as assisted living, ADA compliance then CIB with equipment, hydrants, 2500 South and 1500 South.

**Storage Units  
Jim Richards**

Walter Gale makes a motion to table until October 14, 2008. Stanley Johnson seconds the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Garner</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>

The motion passed with all voting Aye

**Adjourn**

Walter Gale moved to adjourn. Stanley Johnson seconds the motion.

Roll Call Taken:

<b>Chairman Dale Harrison</b>	<b>Aye</b>
<b>Vice Chairman Jim Garner</b>	<b>Aye</b>
<b>Stanley Johnson</b>	<b>Aye</b>
<b>Walter Gale</b>	<b>Aye</b>

The motion passed with all voting Aye

**Next Planning and Land Use Meeting will be held on October 14, 2008 at 7:00 p.m.**