

**Naples Planning and Land Use  
Regular Meeting  
March 18, 2014**

**Commission Present:** Dale Harrison, Cresta Slaugh, Kerry Kinney, Bret Stringham, Neil Cathey, Andrew Bentley, and Szeth Simmons.

**Commission Absent:** Mark Partridge

**Others Present:** Chris Hoem, Councilman Ken Reynolds, Councilman Gordon Kitchen, Mayor Dean Baker, Cliff Grua, and Barbara Simper.

**Verification of full Quorum** Dale Harrison verified a full Quorum.

**Approval of Agenda** Andrew Bentley moved to approve the agenda with the change to move the Update on the Status of Pheasant Run and The Farm Subdivisions so it follows discussion on 02-31 Subdivisions. Bret Stringham seconded the motion.

Roll Call Taken:

<b>Dale Harrison</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>
<b>Bret Stringham</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>

The motion passed with all voting Aye.

**Disclosures** None

**Approval of Minutes** Cresta Slaugh motioned to approve the minutes for February 18, 2014. Dale Harrison seconded the motion.

Roll Call Taken:

<b>Dale Harrison</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Abstain</b>
<b>Bret Stringham</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>

The motion passed with the majority voting Aye.

**General Business**

02-17 Airport Zone – Review and Recommendation

Chris Hoem: The public hearing for this is scheduled during City Council next week. The changes are on page 2. First, we removed “There is currently no airport transition overlay area in Naples City” because this was in here previously only to make it clear when we removed the transition area. Now that that is in the past, we can remove this sentence. The new proposed section, titled “Additional Airport Regulations” includes 4 regulations.

A. The airport shall construct an eight foot tall solid fence along all lot lines adjacent to a residential use. Such solid fencing shall also include a minimum 4 foot wide landscape strip on airport property between the residential use and the fence. The fencing shall also serve as noise abatement.

B. The airport shall provide cul-de-sac turn-arounds compliant with International Fire Code 2012 for every paved street that dead-ends into the perimeter of the airport.

C. The airport shall maintain a storm water retention system which must be engineered to retain on-site storm water for a 24 hour, 100 year storm.

D. The airport is responsible for providing 15 foot wide easements for all irrigation and utility lines that exist in part or whole on airport property.

Dale Harrison: There are a lot of different solid fences. What classification are we putting on solid fencing? Kerry Kinney: Like what they have along I-15. Andrew Bentley: It has the phrasing in there that it will act as a noise abatement. Dale Harrison: I was thinking they would be like the sound barriers. Andrew Bentley: Could you use industry standards for the fence? Chris Hoem: I will look it up and put it in here. Andrew Bentley: Is this required for existing or for potential development? Chris Hoem: When the ordinance says a fence is required, then they need to build a fence when there is development or they come to us for a building permit.

Bret Stringham: I think if you look up the federal law, the irrigation easement needs to be 20 feet wide. Chris Hoem: We can change it to 20 feet.

Gordon Kitchen: I don't think you can make them change their fencing and their cul-de-sacs where they are not doing construction. If they develop the airport on the east side, then they have to make the improvements.

Bret Stringham: You might want to change solid fence to solid wall.

Cresta made a motion to recommend approval of the changes to 02-17 Airport Zone with the corrections discussed. Kerry Kinney seconded the motion.

Roll Call Taken:

<b>Dale Harrison</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>
<b>Bret Stringham</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>

The motion passed with all voting Aye.

Chris Hoem: I meant to bring this up in the beginning, but I need to announce that Lane Webb has formally resigned from the Planning Commission. This means that Bret Stringham is now a regular member of the Planning Commission.

#### 02-31 Subdivisions – Review and Recommendation

Chris Hoem: The section 02-31-008 J. was split into two sections: Approval for 6 months to record final plat and Ongoing development approval and expiration. In the future, a subdivision may continue on with preliminary approval if the last phase's final approval happened within the last 18 months. Also, we are removing the requirement for 80% of the construction to be completed and 50% occupancy permits issued in order for a development to move on to approval for a subsequent phase. The following proposed change in our ordinance was given to us by Ray Nash, the developer of The Farm Subdivision, concerning the surface water requirements:

“02-31-015  
EXISTING ORDINANCE

#### H. Surface water

The Applicant shall design, construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the specifications of the master storm drain plan or according to generally accepted engineering standards based on a 100 year storm. For residential subdivisions, the storm drainage system and area shall be provided and maintained in the following way:

Establish a homeowners association with the proper documents and funding mechanism, including the articles of incorporation and bylaws, to own and maintain the storm water retention area and system for parks and/or storm water runoff control purposes.

## PROPOSED CHANGE TO THE ORDINANCE

### H. Surface Water

The Applicant shall design, construct and install a storm water drainage system including, if necessary, a sufficient water retention area (the "System") within the subdivision. The System shall be constructed consistent with the specifications of the master storm drain plan and according to generally accepted engineering standards based on a 100 year storm. For residential subdivisions, that portion of the System located on private property shall all be owned and maintained in one of the following ways:

(1) Establish a community association (Condominium or PUD) for the subdivision consistent with the applicable provisions of the Condominium Ownership Act (57-8-1 et seq.) or the Community Association Act (57-8a-101 et seq.) with an obligation in the community association's governing documents for the community association to: (a) either (i) directly maintain any portion of the System on private property in the subdivision or (ii) oversee and require the proper maintenance of any portion of the System on private property in the subdivision, (b) assess sufficient funds to properly operate the community association and to either (i) provide maintenance (if required in the governing documents) or (ii) fund any necessary enforcement of the maintenance requirements on any owner in the subdivision, and (c3) maintain oversight of and inspect, as necessary, any portions of the System located on private property in the Subdivision, or

(2) the recordation of sufficient covenants, easements, and/or servitudes ("covenants") on property in the subdivision served by the System: (a) requiring the maintenance of those parts of the System located on private property in the subdivision by the owner(s) of that private property, and (b) allowing any other owner in the subdivision and Naples City to enforce and require the maintenance required in part (a) above."

Chris Hoem: The goal that they are seeking is for the City to allow a surface storm water retention area on a private home lot in the subdivision and that the home owner would maintain the storm water area. They feel that no one in the subdivision wants to pay for a homeowner's association and so this is their proposed alternative. Bret Stringham: I think every subdivision should be required to have both CC&Rs and a homeowner's association. Gordon Kitchen: There were CC&Rs filed with the original plat that is in place now that covers the entire The Farm subdivision. Andrew Bentley: My subdivision has CC&Rs and the drainage was put on my property. If that fails, how is that enforceable by anyone to fix it? Dean Baker: The City would say that the HOA needs to be set up to solve the problem. Dale Harrison: I don't like the idea of having every subdivision being required to have a homeowner's association. Dean Baker: It doesn't have to be a really restrictive HOA. The City's concern is the storm drain. It can be a simple HOA that they will use to maintain the storm water. Dale Harrison: I can see how that could work. Dean Baker: If the City has to take on the storm water for residential subdivisions, then we may have to increase our property taxes to pay for it. Bret Stringham: I think the minimum should be an HOA that maintains the storm water whether it is above ground or below ground. Cliff Grua: The biggest problem is that no one wants an HOA. The proposal is that the responsibilities of the storm water would be put on the one private home owner. At that point we don't need an HOA. Cresta Slaugh: I wouldn't want such a storm water area on my property. Andrew Bentley: Can there be a special district for each subdivision so that if there is a problem, it would be added onto their taxes each year? Dean Baker: There are special services that can be created as a taxing entity. Bret Stringham: Cliff has a good idea. If he can persuade someone to buy the lot, then it is their problem. The developer has to understand that he is responsible until the lot is sold. And then the home owner is responsible for it. Cresta Slaugh: Could you get home owner's insurance on such a property? Andrew Bentley: That would be the responsibility of the developer or the home buyer to obtain the insurance. Gordon Kitchen: You shouldn't be able to

delay the storm water retention system until the last phase. It should be addressed at the beginning.

Chris Hoem: We also have proposed changes for Street Lighting regulations in the Subdivisions ordinance. Dale Harrison: I would like to see a uniform lighting for the City. Chris Hoem: We need to have a maximum brightness and make sure to conserve our night sky visibility. Kerry Kinney: I would prefer more lighting than there is in Hunter Hollow. I'll take a look at the distances between street lights in Hunter Hollow subdivision.

Andrew Bentley motioned to consider this a first reading and to have the discussion come back for the next Planning Commission meeting. Bret Stringham seconded the motion.

Roll Call Taken:

<b>Dale Harrison</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>
<b>Bret Stringham</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>

The motion passed with all voting Aye.

Update on the Status of Pheasant Run and The Farm Subdivision

Cliff Grua: We would like to have Phase 3 approved as it was preliminarily approved when Phase 2 was given final approval. Later we would like to quit claim the land behind those lots to make the lots on the North side of the road larger and deeper. This would happen after the green space is resolved with the HOA. Chris Hoem: They will need to show us the Utah code that indicates their ability to make any changes to their HOA.

Chris Hoem: As for Pheasant Run, they are setting up their HOA and they are planning for Phase 2. They are reviewing their development agreement before having it approved by the City Council.

02-14 Supplementary Regulations – Review and Recommendation

Chris Hoem: The following changes are proposed to be added to the end of the chapter:

“02-14-026           KENNELS

Animal kennels are only allowed in the A-1 Agricultural and RA-1 Residential-Agricultural zones. Kennels must be located at least 200 feet from residential dwellings on neighboring properties. See the Unified Animal Control Ordinance adopted by Naples City for more regulations on Kennels and Animal Control.

02-14-027           RETAIL TOBACCO SPECIALTY BUSINESSES

All Retail Tobacco Specialty Businesses as defined in U.C.A.10-8-41.6 shall follow all state and local regulations pertaining to such businesses. See map titled “Naples City Area Prohibited for Retail Tobacco Specialty Business” at <http://naplescityut.com/images/citycontent/Maps/rtsb-buffer-map.pdf>”

Kerry Kinney: I don't think it should be allowed in the RA-1 zone and it should be at least 500 feet from residential dwellings on neighboring properties.

Andrew Bentley motioned to recommend approval of the changes to 02-14 Supplementary Regulations. Bret Stringham seconded the motion.

Roll Call Taken:

<b>Dale Harrison</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>

**Bret Stringham**

**Aye**

**Neil Cathey**

**Aye**

The motion passed with all voting Aye.

Gordon Kitchen: Vet clinics have kennels inside them. Bret Stringham: Then we need to allow them in the industrial and commercial zones.

Andrew Bentley motioned to rescind his motion of approval of the changes to 02-14 Supplementary Regulations. Bret Stringham seconded the motion.

Roll Call Taken:

**Dale Harrison**

**Aye**

**Cresta Slaugh**

**Aye**

**Kerry Kinney**

**Aye**

**Bret Stringham**

**Aye**

**Neil Cathey**

**Aye**

The motion passed with all voting Aye.

Kerry Kinney motioned to recommend approval of the changes to 02-14 Supplementary Regulations including changes so that the kennels are only allowed in the I-1, C, and A-1 zones and that they must be at least 500 feet from any residential dwelling. Bret Stringham seconded the motion.

Roll Call Taken:

**Dale Harrison**

**Aye**

**Cresta Slaugh**

**Aye**

**Kerry Kinney**

**Aye**

**Bret Stringham**

**Aye**

**Neil Cathey**

**Aye**

The motion passed with all voting Aye.

### **Administrative Updates**

There were no administrative updates.

### **Items for Future Discussion**

Bret Stringham: The street light in front of Simper Supply is too close to the irrigation line and it needs to be moved. Cresta Slaugh: There needs to be a sidewalk next to Win nelson on 1500 South and Highway 40, along 1500 South.

### **Adjourn**

Andrew Bentley motioned to adjourn. Kerry Kinney seconded the motion.

Roll Call Taken:

**Dale Harrison**

**Aye**

**Cresta Slaugh**

**Aye**

**Kerry Kinney**

**Aye**

**Bret Stringham**

**Aye**

**Neil Cathey**

**Aye**

The motion passed with all voting Aye.

**Next Planning and Land Use Meeting will be held on April 15, 2014 at 7:30 p.m.**