

**Naples Planning and Land Use  
Public Hearing  
May 17, 2016**

**Commission Present:** Mark Partridge, Szeth Simmons, Andrew Bentley, Chris Clark and Mishelle Rowell

**Commission Absent:** Cresta Slaugh

**Others Present:** Joshua Bake, Heidi Lundberg, Ken Reynolds, Jim Harper, and Dusty Wilkey

**Verification of full Quorum** Mark Partridge verified a full quorum.  
All commission members will be voting in tonight's meeting.

**Approval of Agenda** Chris Clark motions to approve the agenda for the May 17, 2016 meeting, Szeth Simmons seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None opposed.

**Disclosures** None

**Approval of Minutes** Mark Partridge motions to approve the April 19, 2016 minutes. Szeth Simmons seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None opposed.

**PLANNING/DISCUSSION**

Discussion on Rear Setbacks in Cul-de-Sacs and Accessory Building Setbacks

Heidi Lundberg described the changes being presented for rear setbacks in cul-de-sac lots. In the A-1, RA-1, RA-2, R-1, and R-2 zones the following sentence was added to rear setbacks "measured perpendicular from the rear wall of the home to the lot line. In no case shall any part of the home be closer than 8 feet to any lot line, and in no case shall any two homes on adjacent lots be closer than 20 feet." In R-3 zone the following sentence was added "measured perpendicular from the rear wall of the home to the lot line. In no case shall any part of the home be closer than 5 feet to any lot line, and in no case shall any two homes on adjacent lots be closer than 10 feet." In RA-1 zone, there was a correction made. There were 2 different minimum lot requirement sizes, so the three quarter (.75) acre size was removed and the one (1) acre lot size remained. A memo from the building official was explained by Mrs. Lundberg, he doesn't believe it would be a fire hazard. Whether a garage is located 3 feet or 15 feet from a dwelling they will be built the same. Building a garage or tool shed 5 feet from a dwelling provides an acceptable fire response time and fire protection as required by the building codes, the building and fire codes work hand in hand with each other. Chris Clark mentioned that eaves have been interpreted as

being part of the separation requirement. The 5 feet works as long as they don't have any eaves. If they do have eaves, they need to provide 5 feet between the eaves. There was discussion on if we needed to change the measurement to add in eaves. Mr. Joshua Bake stated his recommendation would be to leave it at the 5 feet and give the instructions to the building official to make sure he is following the building code as he should, rather than taking the planning side of things and dictating the building codes. Commissioner Clark stated he disagreed because it leaves a lot of liability on that end. It would be better to be safer on our end, that way it's clear cut, without having a double standard. Commissioner Bentley asked if we could add in "any part" of the building situated within 5 feet. It was changed to read:

"Under "Special Provisions" in all zones

For the purpose of determining front, side, and rear setback requirements, any part of the separate building situated within 5 feet of a dwelling, or other main building, shall be considered as a part of the main building, and not act as an accessory building.

Also, under the Side Setbacks for Accessory buildings

Side: Same as main building, unless any part of the accessory building is 5 feet behind the main building, then the side setback is 5 feet.

Chris Clark makes a motion to open the public hearing for discussion on rear setbacks in cul-de-sacs and accessory building setbacks, Szeth Simmons seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None Opposed.

## **PUBLIC HEARING**

Dustin Wilkey asked for clarification for setbacks with the eaves. When determining side and rear setbacks for accessory buildings, measurements would be taken from the outside wall instead of the eaves. The commissioners agreed. Mr. Wilkey stated he supports this change to the ordinances. Councilman Ken Reynolds voiced his concern with crowding the property line if a large shed or tiny house is allowed to be so close to the main dwelling house. Mr. Bake stated the ordinance is currently 5 feet for the rear setbacks on accessory buildings. Commissioner Clark clarified all we are looking at tonight is setback distance between the residence and the accessory building.

Commissioner Partridge asked if there were any more comments for or against. There were none.

Szeth Simmons makes a motion to close the public hearing for rear setbacks in cul-de-sacs and accessory building setbacks, Mishelle Rowell seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None Opposed.

Commissioners commented on the crowding issue. Commissioner Clark mentioned Councilman Reynolds brought up a good point; we are reducing the distance between the residence and the accessory building from 15 feet to 5 feet. Does that give them enough space? There was discussion on side setbacks. Commissioner Simmons commented he believes they could run a fire hose through the 5 foot setback. Councilman Reynolds clarified he is more worried about the size of the accessory building; he doesn't want a large accessory building taking up the entire yard. Mr. Bake stated we do have a requirement on how much open space has to be on the property. He also mentioned in the case of an emergency, there will be room on either side of the property line for emergency vehicles to access the rear of the house.

Commissioner Partridge asked if there was any more discussion. There was none.

**MOTION**

Mark Partridge makes a motion to accept the changes to the rear setbacks in cul-de-sac. Mishelle Rowell seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None opposed.

**MOTION**

Mark Partridge makes a motion to accept the changes made to accessory building setbacks with the additional changes for the wording. Mishelle Rowell seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.  
None opposed.

**ITEMS FOR FUTURE DISCUSSION**

Future Ordinance Changes

Mr. Bake brought up the canal property rights concerns. With each new development in the county, the individual has been referred to the canal companies to check if there are any issues. With that, the canal company cannot veto the planning and zoning decision, it is a private property issue, between two separate companies. That's where the city needs to be careful that we don't get involved because we don't want to interject ourselves and become liable. We are working with Mr. Judd on how we can protect those property rights. Best way to put the canal company on notice when new development comes without interjecting ourselves and taking that responsibility upon ourselves. The city is currently trying to map the irrigation lines and canals, however, we need to put a very clear wording that these are just estimates and the city does not accept any responsibility. We need to be very careful how we got about this, but we are concerned about the property rights of our

residents also. We are looking at what is the least intrusive but the biggest help to the community. We don't want to get involved with two private property owners should anything happen. Commissioner Clark asked if we could put something on the building permit to contact the canal company, or add it to the checklist to contact the canal company. Mr. Bake mentioned we want to balance the public good without assuming any of the liability.

Mr. Bake showed the commissioners Vernal City's ordinance for temporary uses. This is something we are looking at drafting.

We are currently working on the draft for the Highway 40 corridor. The standards are going to be beefed up along the corridor. This will hopefully be brought before you next month.

Mr. Bake brought up e-cigarettes from a chamber meeting. We want to check our ordinances and make sure they line up with state statutes as well. There are specialty businesses out there that we need to be concerned about.

Commissioner Bentley brought up the hearing officer.

Mr. Bake mentioned the LUAU training on June 11<sup>th</sup> in Price, UT.

Commissioner Bentley brought up tiny houses; it's a discussion that needs to be had. Mr. Bake has been researching that topic; it is something we should be looking into. Staff will be looking into more information. Commissioners commented on tiny houses.

**ADJOURN**

Szeth Simmons motions to adjourn, Chris Clark seconds the motion.

All in favor:

<b>Mark Partridge</b>	<b>Aye</b>
<b>Szeth Simmons</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Mishelle Rowell</b>	<b>Aye</b>

Motion carried with all voting Aye.

None opposed.

**The next Planning and Zoning meeting will tentatively be held June 21, 2016 in the Naples City Council Chambers @ 7:30 P.M.**