

**MINUTES OF THE HOLLADAY CITY
PLANNING COMMISSION MEETING**

Tuesday, December 5, 2006

5:00 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Jim Palmer, Chair
Gene Carr
Howard Diederich
Richard Kimball, Alternate
Cyrus McKell, Vice Chair
Brad Scott
Lynda Shields
Paul Shupe

City Staff:

Paul Allred, Community Development Director
Alma Haskell, City Planner
Pat Hanson, City Planner
Craig Kleinman, City Attorney

Chairman Jim Palmer called the meeting to order at 4:16 p.m.

1. Pre-Meeting.

(16:16:05) Commissioner Palmer reviewed the agenda. It was noted that Craig Hall would be present for the closed session scheduled for 5:00 p.m. He hoped that all members of the Commission would be present for the election of officers. If not, he suggested it be deferred. Commissioner Carr commented that the style of the minutes had improved over the past few months. Commissioner Palmer remarked that production of the minutes was being outsourced and seemed to be working well. It was noted that the Chair served for one-year and could serve only two terms. The time remaining on the Commission Members' terms was discussed. Commissioner Palmer reported that the terms of Paul Shupe, Brad Scott, and Howard Diederich would be expiring mid 2007. All three were eligible for reappointment. Cyrus McKell was re-elected in June of 2006 and would serve through June 2009. Lynda Shields was also reappointed to a second term although she started on a partial term. Commissioner Palmer stated that he had served a partial term and was now serving a full term. His current term was expected to expire in 2008. Interpretation of the ordinance with regard to the terms of office of Commission Members was discussed.

Setbacks on narrow lots were discussed particularly with respect to the graduated height requirement. Commissioner Palmer suggested that when a lot is only 50-feet wide, or some other measurement determined by the Council, graduated height comes as a special exception before the Planning Commission. The Commission would then decide what to do with it based on the circumstances. Lot width and minimum lot size issues were discussed.

(16:29:40) Commissioner Palmer remarked on an anti-Planning Commission letter published in *The Journal*. He struggled with whether or not to write a rebuttal.

(16:33:15) Agenda items 3.1 and 3.1A (Highland Estates) were discussed. Project timing issues were discussed. Commissioner Palmer explained that the applicants were asking for temporary ordinance exceptions on height setbacks for their development. If the request were granted and the Council later adopts a new ordinance, the exception would extend beyond the new ordinance and the property would be vested. City Attorney, Craig Hall, explained that a vested right would be created and the project would be vested according to whatever the Commission decides. He was unsure whether the vested right would expire in the event no building takes place on the property. Vested rights, corner lots, and setback issues were discussed.

(16:47:20) Mr. Allred commented that what was seen across the street was what was proposed with the exception of five-feet for the back. He remarked that they would most likely have a solid wall along Highland Drive. He suggested the Commissioners determine whether what is proposed is appropriate or not. Commissioner Shields remarked that compared to what had been proposed on the site up until now, she viewed the proposal as a small price to pay to allow three homes there.

Mr. Allred commented that a large footprint on a small lot is attractive to a lot of people because there is no maintenance. The direction the home would face would be determined by the developer. What would have been permitted prior to the moratorium was discussed. Commissioner Palmer struggled with the east and west sides. It was clarified that the road would come out of the project acreage.

(16:57:25) Mr. Allred was bothered by the holding strip on the north side. It was suggested that there be terms and conditions set prior to approving the protection strip and not “hold people hostage”. Typically protection strips are designed to allow the original developer to recoup some of their proportional shares of costs.

(17:03:44) Mr. Allred reported that the applicant was asked what the purpose was behind the protection strip. The developer indicated that they wanted to recoup their costs. Mr. Allred’s belief was that he was trying to retain financial interest and control in the property after he sells the lots off. Commissioner Palmer referred to a comment made by Council Member Peterson previously in which he indicated that the only way he would approve the request was if some of the other properties going out to Spring Lane were included. Mr. Allred remarked that the project is not a PUD, however, the applicant was asking for exceptions on setbacks. He saw no value in having the two parcels. Commissioner Palmer agreed to bring up the issue with the applicant.

(17:06:35) Commissioner Palmer explained that conditions cannot be imposed since the request was for a straight subdivision application.

2. Closed Session pursuant to Section 52-4-205(C), Utah Code, to discuss pending litigation.

(17:08:20) The Planning Commission was in closed session pursuant to Section 52-4-205(C), Utah Code from 5:08 p.m. to 6:00 p.m.

Commissioner Palmer called the regular meeting to order at 6:10 p.m. He welcomed those present and reported that the following Thursday at 6:00 p.m. the City would be dedicating its new facility and having a tree lighting. The Commission statement was read.

3. Agenda Items.

3.1 Preliminary Plat– Highland Estates– 5103 S. Highland Dr.

3.1A Temporary Ordinance Exceptions– Highland Estates – 5103 S. Highland Dr.

The above two items were addressed simultaneously by the Commission.

(18:14:54) City Planner, Alma Haskell, presented the staff report for agenda item 3.1 and stated that the request was for a preliminary plat for a standard subdivision consisting of three one-half acre lots off of Highland Drive on a private right-of-way. The property was located in the R-1-21 zone and the applicant had obtained utility availability letters for the sewer, water, power, and gas. Conceptual approval was granted previously by the Planning Commission. Mr. Haskell reported that the application was reviewed by the Technical Review Committee (TRC) and the applicant made changes accordingly. A few corrections remained that were listed in the staff report. The TRC did not think that any of the changes would delay approval of the project and that approval could be conditioned upon a few items being completed as technicalities. The contingencies set out in the staff report were reviewed. Staff recommended approval of the preliminary plat for the three lots based on the findings and conditions listed in the staff report.

(18:20:40) Mr. Haskell presented the staff report for agenda items 3.1A and stated that the request pertained to exceptions to height and setback. The lots proposed were not of irregular shape. They were one-half acre lots and relatively square. It was expected that there could be a fairly good-sized building envelope on a one-half acre lot. He explained that the temporary ordinance takes a lot of the building envelope away, especially from the rear yards and somewhat from the side yards. The setbacks proposed on the preliminary plat would comply with all of the new requirements with the exception of the side yards, which would require 31 feet instead of 24. A 20-foot setback from Highland Drive would be required because it is a corner lot and a side yard on a public right-of-way. With regard to height, while the temporary restrictions limit the height to 28-feet, they include a provision that would allow the applicant to build to the maximum formerly allowed in the zone if the Planning Commission feels the additional height is compatible with the height of existing properties. The height allowed was 35 feet. The Commission could also determine that the setbacks not be as restrictive as the existing development patterns in the area if they find that the setbacks are compatible with the development patterns in the immediate vicinity. Mr. Haskell reported that the applicants have vesting that would allow them to build to whatever setbacks are granted tonight even if the codes change. He indicated that what was proposed was very similar to what would be allowed under the new code.

(18:23:30) Commissioner Palmer asked if the two matters should be considered in reverse order. He thought the setbacks needed to be determined prior to approving the plat. Mr. Haskell responded that one of the conditions of approval recommended by staff with regard to the

preliminary plat was that the setbacks are as allowed by the zone or as modified by the Commission. Therefore, if the preliminary plat is approved without any setback modifications, the applicants would have to follow whatever codes are currently in place.

(18:24:00) Commissioner Palmer opened the meeting to public comment.

(18:24:12) Maryann Ricks gave her address as 5309 Baywood Circle. Specifically, she had three concerns. The first had to do with the side yard with a 12-foot setback on the west side. In measuring it, 12 feet seemed very close to the property line. 17 feet seemed to encroach too far into the property. She was most comfortable with 14 feet since it would allow more space for landscaping between the yards. With regard to the additional sewer line that would connect to the private road to the west, she asked who would take care of any repairs that might be needed to the road. With regard to height, she thought 35 feet was too high. She was not able to determine the average height for the area. She had no objection to a two-story house with a basement, but 35-feet seemed like a three-story house. She was more comfortable keeping the height to around 31 feet.

(18:26:05) Eve Bier gave her address as 5246 Highland Drive and identified her property as being immediately to the north of the proposed project. She thought the proposed design was very good but was concerned with going with the new recommendations and questioned how that would change the proposed designs. She asked if another proposal would be submitted based on the new changes. Commissioner Palmer stated that another proposal would not be submitted and the application was being made under the temporary moratorium. The applicant was seeking an exception to the 35-foot height requirement under the temporary moratorium which allowed up to 28-feet unless surrounding landowners give their approve in writing or the Planning Commission grants approval. Ms. Bier did not think the surrounding houses were 35-feet in height. As a result, she took exception to the request.

There were no further public comments.

(18:27:50) Commissioner Palmer closed the public hearing portion of agenda items 3.1 and 3.1A.

The applicant, Gary Purk, was asked about the sewer easement running to the west and how that would be handled in terms of installation and repair. He stated that sewer maintenance would be handled to the west of the manhole cover on the private drive. More specifically, they would be granting an easement to the Salt Lake County Sewer District since they own the property southwest of 5310 Highland. That easement would allow for the Salt Lake County Sewer District to maintain the sewer line. Mr. Purk indicated that he owned one lot to the southwest of the proposed project. He spoke with Dan Telford from the Salt Lake City Sanitary Sewer District about allowing for a 10-foot sewer easement. Mr. Telford gave him a verbal indication that he had no problem with that. The recordation of that easement had not yet been finalized.

(18:31:45) Commissioner Palmer asked about the one-foot holding strip on the north end of the property. He asked what the purpose of it was and who was holding title to it. The applicant responded that the one-foot protection strip was within the bounds of the guidelines of the City

of Holladay. The purpose was to ensure that there is no unauthorized access onto the private drive for the property owners. Additionally, in the event that access were required onto the private drive from the north, they would make sure that some of the investment in providing the private drive was recouped. Commissioner Palmer asked if the area would be held in title differently than the private drive itself. Mr. Purk responded that the private drive was part of each of the lots. Each of the three lot owners would grant easements to each of the other two lot owners and would not be titled separately.

(18:33:40) In response to a question raised by Commissioner Carr, the applicant stated that the homeowners' association would provide maintenance and upkeep of the private drive. Mr. Purk wanted to provide the one-foot protection strip with an easement for access to the private drive. The intent was to not require going through the three property owners in order to provide access to the private drive, which would simplify access. The one-foot protection strip would not be owned by the property owners themselves. The applicant would retain title to the protection strip, which would have access to all three parts of the private drive.

(18:36:20) Commissioner Diederich stated that there was concern within the community about all of the development taking place off of Highland Drive, ingress/egress, and landscaping. Mr. Purk stated that if the project were gated, it would conform to all City guidelines. The ingress would be based on the Holladay City guidelines and they would have the prescribed parkway required by the City. Commissioner Diederich understood that the applicant wanted increased height, an increased building envelope, and an adjustment made to the setbacks. He explained that typically someone requesting greater height gives up something on the setbacks. He was trying to figure out how the plan would be put together to make it a better project. Mr. Purk explained that they tried to respond to all of the subdivision requirements. It sounded to Commissioner Diederich like the applicant would follow staff's recommendation based on ingress and egress. Commissioner Palmer reported that the City Engineer had already approved ingress and egress which was considered at the time of conceptual approval. One of the questions was why the private drive was proposed on the north rather than the south. He explained that there was already a private drive to the south and they wanted some separation between the two.

(18:40:20) Commissioner Diederich asked Mr. Purk why the project was better with the setback and height adjustments than if it fell under the normal constraints of the moratorium. Mr. Purk clarified that it is a subdivision consisting of three lots. They wanted to have flexibility in being able to build the right type of home on the lots. He believed that the setbacks and building height would allow some flexibility and architectural character. For that reason, they proposed a 35-foot average in the rear with an allowance to go as close as 30-feet.

(18:42:58) Mr. Haskell explained that based on the most restrictive of the codes as they were before July 10, or the temporary ordinance using the averages in the area, the buildable areas on the front two lots would be 34 feet wide by 94 feet on the front lot or 103 feet on the middle lot. On the back lot, the buildable area would be about 34 feet by 103 feet with a little bump out to the northwest. Application of the temporary ordinances would make for a very small buildable area. The proposed ordinance allowed for 20 feet from a private right-of-way, which was what was requested. The proposed ordinance on the rear yards would be based on lot size and would

range from 34 to 35 feet on average with no point closer than 15 percent. Under the proposed ordinance, the side yard setback on a public right-of-way would be 20 feet. The proposed ordinances would require on most lots, no side yard less than 12 feet with the combined total of the side yards not to be less than 31 feet. Mr. Haskell remarked that the side yards were slightly larger in the new ordinance than what was shown on the proposed plat. Due to the last iteration, the lot size would allow up to 35-feet.

Setback issues were discussed. On the west side, one of the neighbors indicated that the proposed 12 feet seemed constrained. Commissioner Palmer remarked that it would not be allowed under the proposed ordinance. He questioned whether it could be adjusted to allow for a larger setback and modify the angle for the detention basin to provide more of a rectangular area to build in. It was noted that it was drawn as a 12-foot setback which would allow a main structure to be built at that point.

(18:55:19) Commissioner Palmer suggested the applicant change the setback to 25 feet instead of 20. He did not think it would impinge much on the buildable area and would still meet the objective of making a streetscape on Highland Drive. Commissioner Scott thought that in order for the applicant to respond, he would need to know whether he would be granted the 35-foot height variation to determine whether the building envelope will work. Height issues were discussed. Mr. Haskell reported that as the current ordinances are proposed, once the moratorium is over the applicant would be granted 35-feet. Commissioner Shields suggested the height be reduced if narrower side yards are allowed. Commissioner Diederich agreed with Commissioner Shields and thought that was an important distinction. He felt that if the Commission had predisposed ideas about what would be approved tonight from a moratorium perspective, they could not make an exception right before the City goes forward. He thought that if the applicant were willing to give up some frontage from Highland Drive, there may be an argument of perhaps giving up some of the side yard between the units to make the project feasible. He agreed that some kind of give and take was needed, particularly if the proposed height were allowed.

Commissioner Scott had no objection to the 12-foot setback on the west since it abuts the current owners' home. Mr. Purk clarified that it would abut two properties. Setback and height issues were discussed. Mr. Haskell reported that the property to the north has a 33-foot setback from the 40-foot half width. The property to the south was thought to have a 22-foot setback from the 40-foot half width, based on measurements from aerial photography on his GIS system. A consensus of the Commission was comfortable with a 25-foot front setback and 12-foot side setbacks between lots 1 and 2 and lots 2 and 3.

(19:05:59) Commissioner Shields expressed concern with the height of the proposed homes and their proximity to each other. Commissioner Palmer remarked that the graduated height requirement had not been waived. Mr. Allred remarked that the applicant would be limited by the graduated height automatically.

Mr. Purk verified that sewer repairs would be his responsibility and the lot to the north would be accessible once the sewer line is installed. He also clarified the setbacks for each lot from Highland Drive to the west. Commissioner Palmer heard no objection to 35 feet based on the

size of the lots and the understanding that they conform to the graduated height requirement. Fencing issues were discussed. The applicant had not made a final conclusion in that regard.

(19:09:50) *Commissioner Diederich moved to approve item 3.1 Highland Estates and incorporate staff's recommendations for preliminary plat on Highland Estates. The City Engineer's authorization was required to move the sewer easement to 10 feet. Approval was granted provided that the applicant:*

1. *Signs the Certificate of Protection of Storm Drain Facilities.*
2. *Correct storm drain runoff calculations per the City Engineer's redlines.*
3. *Obtain a UPDES permit from the State of Utah prior to recording the final plat.*
4. *Submit CC&Rs showing provisions for road maintenance and utility payment arrangements prior to recording the final plat.*
5. *Show a recorded sewer easement to access the sewer main west of the property.*
6. *Follow Unified Fire Authority, and all other notes shown on the preliminary plat.*
7. *Setbacks for the lots shall be allowed by code, or as modified by other appropriate Planning Commission actions.*

Commissioner Carr seconded the motion. Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Richard Kimball did not participate in the vote.

It was clarified that the Commission was satisfied with the front and rear setbacks as proposed by the applicants. Setbacks and averaging of the rear setbacks were clarified.

(19:20:05) *Commissioner Diederich moved to approve staff's recommendation on agenda item number 3.1A Highland Estates and allow a height of 35 feet, adjust the setbacks on the east side to 25 feet, adjust the west side setback to 14 feet, and restrict the rear setbacks to no closer than 30 feet or an average based on the calculation of staff. The front setbacks were approved at 20 feet and interior setbacks at 12 feet. Commissioner McKell seconded the motion. Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Richard Kimball did not participate in the vote.*

4. Moratorium Items

4.1 Height Relief – Hanson Home – 2058 E. Pheasant Way.

Alma Haskell presented the staff report and stated that the request was an exception for side yard setbacks. The applicants were exceeding the 28-foot height normally allowed by the temporary ordinances and would not exceed the 35 feet allowed in the zone. Signatures were obtained from the adjacent neighbors with regard to the height. Further on in the designing process, the applicants realized they needed the setback exception and decided to come before the Planning Commission for that. The proposed home was located in the R-1-43 zone with 37,000 square feet or 85% of the area required by the zone making the lot legal non-conforming. The applicant's proposed setbacks compared with the average in the immediate vicinity were described.

(19:24:43) Mr. Haskell reported that there was an irrigation lateral running on the property, which the proposed home would disrupt. The applicant, however, had been in contact with the irrigation company regarding the lateral and approval of the relocation was expected and would be required before a building permit would be issued. Under current temporary ordinances, the applicant's home did not comply with the averaged setbacks with the exception of the rear setback. If the applicant were to submit under the newly proposed ordinances, the applicant's home could be built as close as 16 feet in the side yards with a total of 39 feet on both sides. Therefore, the proposal would easily comply with the newly composed ordinances as drafted.

The applicant, Mark Hanson, gave his address as 5253 Saddleback Drive. He was proposing a home at 2050 East Pheasant Way. A letter was submitted containing the names of surrounding neighbors giving their approval of the proposed setbacks. He stated that under the moratorium setbacks, the side yards would be 34 ³/₄ inches on each side. The existing house would barely concur with those regulations. They were in the process of working on the 17'7/12" requirement and they planned to decrease the size of the home slightly. They had lost several trees on the site as the result of a micro burst several years earlier and they were trying to save as many as trees on the site as possible. Mr. Hansen's intent was to build a rambler on the site to retire in. They had tried to make an interesting house that would enhance the property.

(19:32:10) With regard to the front yard, Mr. Haskell clarified that there were two different staff members who did measurements on the front yard setback averages in the immediate vicinity. The one included in the staff report was from John Teerlink showing an average of 57 feet. Mr. Haskell's average was in the high 40s. It was stated that the applicant complied with one set of averages but not the other.

Commissioner Palmer opened the meeting to public comment.

(19:33:54) Frank Moyle stated that he lived directly to the west of the proposed site and recalled discussing the situation with the applicant some time ago but only in generalities. Mr. Moyle showed photos taken from different angles in his home. If the proposed home were built, he believed it would decrease the value of his home. He asked the Commission to preserve his view over building a new home. Possible alternatives were discussed.

(19:38:40) Kellie Vander Veur gave her address as 2836 Wayman View Court. She didn't personally know Mr. Hansen, but knew he was a very reputable builder. She heard Mr. Moyle's concerns and hoped they would be considered.

Commissioner Palmer closed the public hearing.

Height issues were discussed. Mr. Hansen remarked that the home at its highest point was about 35 feet. The intent was to decrease the size of the home in order to save a tree on the east side. A 30-foot setback was requested on the west side and 20 feet on the east side. He confirmed the existence of an irrigation lateral. The existing ditch would be moved to the east. The ditch company asked for an engineering report which Mr. Hansen was in the process of obtaining. He stated that he had contacted most of the utilities and had a Health Department inspection

scheduled. A survey also was performed that would be recorded with the County. The ditch would be lined with rocks to keep it in a contained area.

(19:48:25) Commissioner Palmer disclosed that he served as Vice President of the Big Cottonwood Tanner Ditch Company. Actions taken by the applicant were discussed.

Lynda Shields referred to Mr. Moyle’s comments. Mr. Hansen was sensitive to Mr. Moyle’s view and did not plan to intentionally block it. They would not build a house that would be so tall as to prevent him from seeing the mountain. Commissioner Shields suggested that because Mr. Hansen owned so much land, that he build in a way to make sure Mr. Moyle’s view is not blocked. Mr. Hansen wanted to keep as much backyard as possible. To him, front yards were not very usable. Backyards were great for kids and grandkids. The proposed location of the home was where they felt comfortable with the setbacks. The proposed home would not cover much more of the actual shape of the house since they would simply fill in the square rather than having it on such an angle. He offered to look at Mr. Moyle’s view corridor to see what kind of view he has. Commissioner Palmer thought that would a very neighborly thing to do. He was not sure how to guarantee that that Mr. Moyle would not lose some of his view.

(19:54:15) Commissioner Palmer remarked that the Commission was to consider setbacks of 30 feet on the west side, 50 feet back from the street, 20 to the east, and 112 in the rear yard. He clarified that the calculations were absolute, not average. He gave the definition of a setback as the distance from the property line to the edge of the building.

Commissioner Shields suggested the vote be postponed to allow Mr. Hansen time to conduct a view corridor study on the Moyle house. Commissioner Carr responded that it was the Commission’s responsibility to ensure that the applicant is following the law. He thought the view situation should be worked out between the two neighbors. Commissioner Palmer thought that if the Commission waited to hear the matter, it would not be brought back because it would go under the revised ordinance once it is adopted.

(19:56:27) Mr. Hansen remarked that they were at a point with the drawings where they have to be taken to a structural engineer. He wanted to stay “ahead of the curve” and make sure that everything was in place. If he knows where the house was to be placed, he could move forward with the next steps in the process. Commissioner Shupe explained that what the Commission was approving was more restrictive than the new ordinance would be. Commissioner Diederich admonished Mr. Hansen to work with Mr. Moyle to see what view corridors could be accommodated.

Mr. Haskell reported that he received a call from a citizen who could not be present. He promised to bring her concerns to the attention of the Commission. Mrs. Razor’s address was given as 2037 Pheasant Circle. Her preference was to see homes further away rather than closer together. She didn’t want to see exceptions granted to the temporary ordinances in this case.

(19:58:21) Commissioner Shupe moved to approve the application with the stipulation that the applicant work with the property owner to the west to do the best they can with the situation with regard to height. He recommended approval of the setbacks as 50 feet from the northeast

corner of the property line, 20 feet on the east, 30 feet on the west, and 112 feet on the rear. Commissioner Scott seconded the motion. Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Richard Kimball did not participate in the vote.

5. **Continued Public Hearing/Discussion and Recommendation Title 13 Zoning, Addressing Temporary Regulations Regarding Building in the Residential Zones, Planned Unit Developments and Dwelling Groups, Including, but not limited to, Chapter 13.04, Definitions, Chapter 13.14 Single Family Residential Zones, Chapter 13.32 Medium Density Zones, Chapter 13.76 Supplementary and Qualifying Regulations, Chapter 13.78 Planned Unit Development.**

(20:02:15) Commissioner Palmer reported that public comment had been taken at the past two meetings and would be taken again tonight.

Commissioner Palmer opened the meeting to public comment.

(20:03:30) Steve Luczak gave his address as 2185 East 3380 South. He referred to a proposed modification to chart 13.14.071 found on page 13. Mr. Luczak commended staff and the Commission for improving many of the areas set forth in the moratorium. He referred to areas of greater than one acre and hoped to see the R-1-43 and R-1-87 zones allow up to 40 feet instead of being based on the square footage of the lot. He thought it would be better if it were based on the zoning. Commissioner Palmer acknowledged that that was one of the problems the Commission was trying to address.

(20:07:15) Scott Safford gave his address as 663 Stone Mill Avenue. He expressed appreciation to the Commission for their time. Graduated height issues were discussed. Mr. Safford explained that the Holladay Village Center did not involve graduated height in order to have good architecture. It made sense to him to require it on homes but not on the village center. He referred to the picture on page 16 and questioned whether the home illustrated would fit in the graduated height setback. It didn't appear that it would if there were a 10-foot setback on the right hand side of the house. Commissioner Palmer remarked that a special exception rule was being proposed. He explained that one of the things that could be considered in a special exception was modification of the graduated height requirements for homes on restricted lots with narrow frontage. Mr. Safford thought the width ought to be 80 feet rather than 50 feet. He wanted to encourage families to come to Holladay. He had found that it was cheaper to build a two-story home than a one-story home. He hoped an exception would be granted to build two-story homes and make Holladay a little bit more affordable.

(20:12:40) Kathryn Aldredge sent a letter to the Commission the previous day. She thought it was easier for most residents to not pay attention to what is happening in the community until it impacts them individually. She reported that she had lived in Holladay for 21 years and at the time they purchased it, their home was of average size. It was built in the late 1930's or early 1940's. There were times she wanted to tear down her home and start over but she thought that keeping the integrity of Holladay was very important. She stated that her neighbor built a detached garage less than 3 feet from her property line. She liked her new neighbors but wished the home and garage had been handled differently. She thought 40-feet was too high for a home

close to the street. She expressed appreciation to the Commission for their efforts. She asked that they consider height issues and require a review process for home approvals.

(20:17:40) Mr. Haskell referred to the home next door to Mrs. Aldredge and stated that under the proposed ordinance, the height of the home would have been limited to 35 feet rather than 40. The home met the graduated height requirement. The front setback would have been 69 feet instead of 67. The side yard setback on the north side would have been 3 feet further than built. The garage would have been required to be 8 feet from the property line rather than 3 feet. The maximum coverage allowed would have been 30%. The existing home covers 23% of the site. Commissioner Palmer remarked that in the previous ordinance they found that when homes are built to the maximum in all dimensions, the result is homes like the one discussed. A number of complaints had been received. He remarked also that administrative approvals can be appealed with the Planning Commission. Mrs. Aldredge didn't want to create feelings with her neighbors and wanted to state her point of view without it being overly emotional.

(20:22:41) Kelly Vander Veur gave her address as 2836 Wyndham View Court. After reviewing the new proposed ordinances, she was pleased with what she read. She was concerned that the ordinances would come up with a "one size fits all". She noted the diversity in architecture within the City and thought the new proposed ordinances take that into account. She expressed appreciation to the Planning Commissioners for their efforts and congratulated them on the new ordinance.

(20:24:20) Bruce Daleabout gave his address as 2139 Crest Hill. He referred to page 8, and remarked that 80 feet was considered a minimum lot. He thought a small lot should be classified as 80 feet or under. The Commission had discussed the possibility of giving relief to narrow lots relative to graduated height. The Commission specified 50 feet. Mr. Daleabout thought 80 feet would be a better number. He asked that a provision be added to allow for an exception. As written, he could not because he was unable to show a real hardship. He hoped language would be added that would allow him to come forward and ask for a variance for an accessory building in his rear yard next to an institutional use.

(20:27:20) Commissioner Palmer closed the public hearing.

The special exceptions section was first reviewed. Commissioner Palmer remarked that the items in red were merely wording changes. He wanted to discuss the changes in blue dealing with special exceptions. The first was modification and graduated height requirements for restricted lots. He chose 50 feet. His thinking was that if the minimum lot size was 65 or 80 feet, they ought to be able to apply all of the restrictions to that minimum lot size. He questioned whether that was the appropriate number. Commissioner Shupe referred to side yard setbacks. He remarked that if 50 feet is used, the result would be a minimum of 25% of the lot width on the sides and no more than 10% of the lot width. He thought 65% made more sense. Commissioner Palmer questioned whether the 65-foot lot width would allow for something other than an A-frame. Commissioner Shupe thought 65 or 70 feet would fit in a little bit better as a generic number for a side yard setback.

City Planner, Pat Hanson, expressed concern with shifting a legally conforming lot in the R-1-8 zone into the restricted category. She suggested the number be less than 65 feet since 65 feet was the narrowest lot width that can be subdivided legally in any zone. Commissioner Palmer suggested the language be changed to indicate that a special exception would be triggered for 10% of the minimum lot width. Ms. Hanson stated that when talking about restricted lots, it should be understood that that would be dealing with non-conforming lots. Anything larger than 65 feet would not be a non-conforming lot.

(20:35:41) Commissioner Diederich asked for more details on the 65-foot lot in the R-1-8 zone. Mr. Haskell reported that a minimum of 6.5 feet would be needed on one side and 9.75 on the other. If a person wanted to build a home that had 1.5 feet of foundation, a one-foot joist, an 8-foot ceiling, a one-foot joist, and then another 8-foot ceiling, the total would be 19.5 feet. In order to go to 19.5 feet before the roof springs off in order to meet graduated height, the home would have to be setback 13.5 feet on each side. If 13.5 is multiplied by the two sides and subtracted from 65, a 38-foot wide home that is two-stories tall on a 65-foot wide lot would be allowed. A single story home could be 48.75 feet wide and be within 6.5 of the property line.

(20:39:21) Commissioner Palmer suggested that in order to address the issue of a narrow lot, some sort of trigger point be set requiring applicants to come before the Planning Commission for special exceptions. Ms. Hanson suggested that the first criteria be that the lot be designated as a restricted lot. The second criteria should be that if the graduated height is imposed, there could be no second story or allow a second story as long as it is less than 30% of the size of the main floor. She explained that with special exceptions, very specific criteria are needed. The special exception for restricted lots would also need to be designated that must be very specific. Possible restrictions were discussed. She explained that the reason for granting a special exception for a restricted lot would be to allow a second story. She suggested similar language be included.

(20:45:35) Commissioner Palmer suggested setting a rule that says that if a person has less than 90% of the minimum lot width, a special exception may be requested. The special exception would be relaxation of the graduated height requirement one side, provided there is sufficient setback, and that the second story not exceed 80% of the main. He believed that would apply in the R-1-87 zone, however, the trigger point of 97% of the minimum lot width would be reached. Commissioner Palmer suggested that the exception for a restricted lot be a lot with less than 100 feet and less than 90% of the required lot width. Commissioner Shupe thought the percentage made a lot of sense. Commissioner Palmer commented that on the lower end of a sub 8,000 square foot lot, there was some point that would not allow for two stories. Possible ordinance language was proposed and discussed.

(20:53:05) Commissioner Palmer referred to chart 13.14.041 on the top of page 8, defining minimum lot widths. On an 8,000 square foot lot, there must be a minimum of 65 feet. Anything less than 58 feet would serve as a trigger. A person with less than 90% of the required lot width would qualify for a special exception. That would represent the trigger point. Once triggered, the Planning Commission could relax one side of the graduated height requirement provided there are adequate setbacks. Second, the second story could not exceed 80% of the square footage of the main. It was noted that the chart was meant to create new lots.

The Planning Commission took a short recess.

(21:13:00) Commissioner Palmer described the goal of the process and explained that it was not to perfect an ordinance. It was, however, to put in place an ordinance the Commission could recommend to the Council who would take it on over the next several weeks and get it to the point that the City can adopt it prior to the moratorium expiration. The goal was to accomplish as much as possible and hopefully get a recommendation. If no recommendation is reached, a special meeting would need to be conducted the following week.

The Commission continued their discussion of the first special exception dealing with narrow lots. Commissioner Palmer explained that the triggering criteria for the definition of a restricted or narrow lot would be a percentage of the lot width. Once triggered, he questioned what could be done to deal with it. First, he suggested relaxing the graduated building height on one side, provided there is adequate setback. Second, he suggested limiting the second story to 80% of the square footage of the main story. Ms. Hanson was worried if it was that liberal, that someone with a 140-foot wide lot would ask for a special exception when they don't need one. Commissioner Palmer suggested it be limited to lots less than 21,780 square feet. Ms. Hanson suggested that without relief from the graduated height, there would be no way to have a second story. Commissioner Palmer suggested one of the triggering exception points be that if someone conforms to the graduated height requirement, the second story could be less than 70% of the main story. Ms. Hanson suggested they be very restrictive. She wanted to avoid having people apply for a special exception because they can't design their house exactly the way they want. She suggested it be restrictive enough that applicants will come forward for a valid reason. She recommended there be more than one criteria.

Mr. Haskell clarified that the criteria for a restricted lot would be:

1. Must be non-conforming as to lot width by at least 10%.
2. The second story that could be designed with graduated height would be 50% of the square footage of the main level.

(21:21:03) If someone qualified for a special exception, the Planning Commission could remediate it by implementing the following :

1. Omit one side of the graduated height requirement. It was clarified that it would be to the side with the largest setback.
2. The second story could not to exceed 80% of the size of the main story.

Commissioner Palmer reported that several years ago, the Planning Commission authorized the ordinance allowing someone to go two feet beyond the height of the fence. Since then, a firm rule was passed allowing either four or six feet in the front and six feet in the side and rear yards. Some applicants had asked for eight-foot fences. Staff suggested that as a routine and uncontested matter, if both property owners on each side of the fence agree to go to eight feet in

the side and rear yards, it should be allowed. Commissioner Palmer suggested that in side and rear yards, fences be allowed up to 8 feet so long as:

1. The clear view requirement is met;
2. Property owners on both sides of the fence agree; or
3. The Planning Commission determines that there is some clear and convincing special circumstance that warrants it.

(21:26:47) Commissioner Carr had trouble with rear yards that abut major streets with tall fences. Commissioner Palmer remarked that that would not be allowed under the ordinance because the City would be the landowner on the other side and would not agree to it.

Substantial compliance issues were discussed. The purpose was to allow staff the discretion if somebody is within 2.5 percent of the requirement. Ms. Hanson suggested that be included in the supplemental language. Community Development Director, Paul Allred, remarked that he discussed the matter with the City Attorney some time ago who indicated that 5% was usually defensible in court. He thought the substantial compliance rule would extend to that amount. His preference was to stay within 2.5 percent. Commissioner Palmer suggested it be set at 3 percent. Ms. Hanson remarked that the language would only allow the Community Development Director to make a decision on it. She suggested the Planning Commission itself also be allowed to make determinations with regard to substantial compliance. Commissioner Palmer asked that staff rewrite that section accordingly and move it to the appropriate area.

Fencing issues were discussed. Commissioner Palmer clarified that the fence height could go to eight feet if the affected property owners agree to it or the Planning Commission determines that it is appropriate. Commissioner Diederich did not believe that increasing fence heights to eight feet contributed to a sense of openness. His preference to leave the fence height at 6 feet. Mr. Allred referred to page two of the second page of the multi-family residential which contained a provision about fencing. He suggested the Commission postpone their focus on fencing for a later date. For the time being he suggested the City stick with six-foot fencing.

(21:38:40) Building heights in the R-1 zones were discussed. Commissioner Palmer referred to the Chapter 13.04 definitions contained on page 13. He agreed with the comment made by Mr. Luczak and suggested the table either be graduated or limitations added specifying the R-1-87 or R-1-43 zones. Lot width issues were discussed.

“Monster homes” were discussed. A monster home by definition referred to a home that doesn’t fit the neighborhood. Commissioner Diederich wanted to maintain the rural look and feel of the area wherever possible. Commissioner Kimball suggested a formula for determining height based on width. Lot width/height calculations were worked with.

Mr. Allred referred to page 13 line 377. Wording modifications were suggested. The words “strongly encouraged” were replaced with “are required”.

Commissioner Palmer suggested the Commission go back to what was originally set and add more gradations between 35 and 40 feet. He encouraged staff to work further with Commissioner Kimball's idea, which he thought had some real merit.

(21:57:11) Commissioner Kimball suggested a change to line 320 with regard to side setbacks contained on page 12, paragraph 13.14.053. He suggested the word "minimum" be changed to "combined".

Commissioner Palmer referred to Mr. Hansen's proposal addressed earlier. He noted that the proposed ordinance allowed 17 feet on either side while today 20 feet are allowed. He questioned whether the intent was to reduce or increase setbacks by 15 or 20 percent. He referred to page 12, line 320 and asked what the unintended consequences were of allowing combined setbacks. Mr. Allred remarked that some modeling was done and staff found that it was slightly more flexible. He stated that the current setbacks were very similar, not proportional, seemed arbitrary, and were not applicable to the width of the lot. Staff tried to make them proportional.

(22:01:27) Commissioner Kimball referred to line 394 on page 12 which dealt with 15% grade and a 30-foot height. He questioned how height could be measured on a slope. Commissioner Palmer responded that it would be measured from existing grade. Commissioner Carr suggested adding an illustration to the ordinance on estimating building height on a slope. Commissioner Palmer stated that that language had not changed.

Lot coverage issues on page 14, line 424 were discussed. Commissioner Carr suggested an illustration also be provided for the smallest rectilinear line. Commissioner Palmer also asked that a definition of "rectilinear" be included.

Commissioner Diederich recommended adding language to page 13 with regard to protecting views. He suspected that many people don't want "monster homes" next to them because they want to preserve their view. Commissioner Palmer referred to the multi-family residential line 22 where view preservation was mentioned.

(22:05:39) Commissioner McKell referred to page 14, line 404 and thought the language specifying that no dwelling contain less than one story was unnecessary. Commissioner Palmer stated that it was necessary to prevent sub-terrainian homes. He did not think that type of building should be encouraged and was the reason for the language.

Because of the time, Commissioner Palmer asked how to proceed. Commissioner Diederich reported that he could not be present at the next meeting and preferred to complete the review and make a recommendation tonight. Mr. Allred suggested the document be reviewed and modified page-by-page. The goal was to put together a workable ordinance for the Council to review and finalize.

Page 1 was reviewed. Mr. Allred suggested adding a minimum height for a story in a home. He stated that it could be added, later, however. He identified it as a concern for the zoning rewrite.

He also had particular problem with the 10% total landscaped area as a maximum. He remarked that it also could be addressed later.

Page 4 was reviewed. Commissioner Palmer remarked on the definition of side yard and noted that all of the definitions had been changed from “yard” to “setback”. He questioned why a definition for “side yard” still remained. The difference between side yards and side setbacks were described.

Page 6 was reviewed. Commissioner Carr referred to the definition of “home day care small” and remarked that it was a permitted use while on the next page it was a conditional use. Ms. Hanson explained that there were two different descriptions based on the number of children.

Page 7 was reviewed. Mr. Allred referred to line 200 and suggested adding the phrase “and private driveways” because there are standards for all three. Mr. Haskell stated that the concern with private driveways was addressed on line 229 on page 8.

Page 8 was reviewed. Commissioner Carr referred to line 258 and suggested that “shall” replace “should”. Commissioner Palmer suggested that instances of “should” be changed to “shall” throughout the document. Mr. Allred explained that this instance was purpose language and was not intended to be mandatory. In that particular instance, the wording remained unchanged.

Page 9 was reviewed. Commissioner Palmer suggested the chart refer to the “average rear setback” rather than “rear setback”. Duplicate chart numbers were also identified.

Page 10 was reviewed. Adjacent lot issues were discussed. Commissioner Diederich referred to the graphic on the front yard setback. Mr. Haskell confirmed that it pertained to adjacent lots.

Changes made to pages 12 and 13 were reviewed. The chart on page 13 would be modified so that there was a finer grain in going from 35 to 40 feet. Commissioner Kimball’s width provision would also be included. Commissioner Carr suggested it also be modified to specify “up to 10,000”.

Page 14 was reviewed. Commissioner Diederich made reference to the dormer width and questioned whether the language accommodated some of the concerns raised by the public about having to push windows out. Mr. Allred had the same concern and thought it was too narrow. Mr. Haskell had been wanting to review the language with some architects and thought it was something that had to be done before the 14th when it goes before the Council for a hearing. It was suggested that they start at 14 feet and then review the issue further during the week. Mr. Allred asked about impervious surface and lot coverage issues.

Page 15 was reviewed. There was discussion about tennis court and pool areas and how they would affect lot coverage. Mr. Allred referred to the last two lines on the page and found the wording to be confusing. The Commission asked that the wording be reworked.

Page 16 was reviewed. It was suggested that “appropriate” complies with the graduated height. Mr. Allred referred to line 465 and stated that the language was not advisable based on his experience. He suggested adding “except as consented to by all utility providers in writing” to the end of the sentence. He explained that many communities allow accessory buildings to be built in side or rear yards on top of an easement. Consent, however, should be obtained from the utility companies. He also had a problem philosophically with the 40 feet being somewhat arbitrary and not having an accessory building in a front yard. He suggested that instead it be required to meet the same setback as a house. Ms. Hanson clarified the wording and stated that accessory buildings would be permitted in the front of houses so long as they meet the setback. Mr. Allred referred to line 469 dealing with the 18-foot height requirement in the rear yard for accessory buildings.

Page 17 was reviewed. Commissioner Carr referred to the section on fencing and stated that it did not belong only in R-1 because it applies to all lots. He suggested it be under supplementary regulations.

Page 19 was reviewed. Mr. Allred questioned the use of the word “integrated” in that section. He thought a better word could be used in talking about PUDs. Commissioner Palmer reported that he had submitted purpose language five times that he had asked be added to line 573. Commissioner Carr referred to line 573 and asked for an explanation of “aesthetic uses”. The word “aesthetic” was eliminated.

The medium-density multi-family portion of the special exceptions was reviewed and discussed. Mr. Allred suggested including Bruce Daleabout’s concern about waiving graduated height and overall height for accessory buildings on lots that back onto commercial, recreational, or institutional uses and suggested a slightly taller height.

(22:32:00) In response to a question raised by Commissioner Diederich, Mr. Haskell explained that special exceptions come before the Commission unless they are designated as routine and uncontested to staff.

Multi-family residential was discussed. Commissioner Carr referred to page 1 and identified confusion with home day care as a permitted and conditional use. Line 48 on page 1 and line 86 on page 2 were identified which were exactly the same reference. Mr. Allred explained that permitted specifies six or fewer children, while conditional would involve more than six. Staff agreed to correct the numbers.

Commissioner Palmer referred to the densities being set on page 1. Mr. Allred explained that staff took the minimum lot size and calculated it out. It was simply a clarification and represented the existing density.

Commissioner Carr referred to page 2, line 53, and remarked that sports court was shown as an accessory use rather than a separate use. Commissioner Palmer agreed that it was not a permitted use and it belonged somewhere else. Mr. Allred remarked that the issue could be handled at a later time. Commissioner Carr referred to line 99 and questioned the meaning of “short-term rental”. Staff clarified that a definition was needed.

Page 3 was reviewed. Commissioner Diederich asked about the planned unit development portion as a conditional use. Commissioner Palmer explained that PUDs are always a conditional use in all zones. Accessory building setback issues were discussed.

(22:42:50) Pages 5 and 6 were reviewed. Chart numbering errors were referenced. Maximum heights in the table were identified. Commissioner Diederich referenced line 238 and suggested the dormer width be limited to 14-feet. On line 249, Mr. Allred recommended stating “the maximum impervious surface on the lot” rather than “the maximum lot coverage of impervious surface”. It was recommended that percentage symbols be added to the chart. Commissioner Palmer asked that the chart number on page six be modified.

Page 7 was reviewed. Commissioner Diederich’s understanding was that wording would be added to excavation specific to the trees. Commissioner Palmer responded that that was done. Commissioner Diederich asked if the minimum of one tree for every 300 square feet could be reduced. Mr. Allred responded that it could under administrative relief.

(22:50:17) Page 8 was reviewed. Commissioner Palmer asked why the supplementary regulations were shown here instead of in the supplemental regulations. Ms. Hanson explained that they were supplemental to the chapter. Commissioner Palmer suggested that they be called something else to avoid confusion. Fencing specifications were discussed.

The language on pages 9, 10, and 11 was stricken.

(22:52:06) The new supplemental qualifying regulations were reviewed. On page 1, line 22, Commissioner Palmer confirmed that legal non-conforming lot was still the LUDMA correct way to describe them.

On page 2, Mr. Allred questioned whether the term “restricted lot” was incorrect. Commissioner Carr suggested calling it “non-conforming”. Ms. Hanson explained that it was more than non-conforming. Mr. Allred commented that the rules they had talked about applying to restricted lots actually made them less restrictive. He suggested the term “sub-standard”. Commissioner Diederich referred to line 47 and thought the sentence was extremely long. Commissioner Palmer acknowledged that the sentence came from the existing code. He suggested substituting the word “yard” for “setback”. Commissioner Shupe referred to line 86 and asked if it referred to buildings rather than shared setback areas. Commissioner Palmer confirmed that that was the case. He referred to line 99 and suggested it be rewritten to say “required front setback area”. Commissioner Diederich referred to landscape setbacks and asked if the language was previously included in the code. Commissioner Palmer clarified that the wording in black had not changed.

(22:57:26) Page 4 was reviewed. Staff was directed to reword the driveway requirements. Code enforcement language was discussed. Mr. Allred thought item E could be stricken. He saw no reason for the Planning Commission to require a fence be installed to cover up something that would be illegal. Commissioner Diederich had a problem with the entire section. He referred to section D and thought anything could be considered “rodent infested”. Mr. Allred confirmed that there was a severe rodent problem in Holladay because of all of the water. Commissioner

Diederich did not want to discourage his neighbor from stacking wood for his fireplace in the winter. It could, however, be considered under the conservation of values as an infringement. The section was stricken. On line 179, Commissioner Palmer identified a typo.

(23:04:59) Page 6 was reviewed. On line 42, “insofar as practical” was stricken.

Page 7 was reviewed. It was suggested that section D be made part of the conditional use chapter. Ms. Hanson agreed to leave it in for the time being and change it in the rewrite.

(23:11:05) Page 8 was reviewed. Commissioner Diederich referred to the term “permitted” on line 276. He had not seen that word used anywhere else in the document. He referred to line 290, with respect to the hours of operation. He asked Mr. Allred if he wanted to have the responsibility to waive it. Mr. Allred suggested defaulting to the Health Department regulations which guide what is done in construction areas. Hours of operation were changed to 8:00 a.m. to 7:00 p.m. Dust issues were discussed. Commissioner McKell referred to line 289, and questioned whether cuts and fills should be the responsibility of the Community Development Director or the Code Enforcement Officer. Mr. Allred clarified that it would be better handled by the City Engineer. Various duties were turned over to the City Engineer.

(23:20:40) Page 9 was reviewed. Commissioner McKell referred to line 346 and changed the word “planted” to “seeded”. Mr. Allred remarked that the City Engineer should be added to any reference to the Community Development Director. On line 361, Mr. Allred questioned whether the Community Development Director should have the power to revoke a conditional use permit. Commissioner Palmer clarified that it should go before the Planning Commission. A change was made accordingly.

Page 10 was reviewed. Commissioner Palmer referenced line 367 and asked if 15 days’ written notice referred to calendar days or business days.

(23:23:02) Page 11 was reviewed. Commissioner Palmer mailed in a suggested addition that was not included in the draft. He suggested adding a Section L dealing with violations and penalties. The Commission agreed to the addition of the proposed section.

(23:25:15) Commissioner Shupe moved to approve the ordinance, with the changes detailed in the meeting, and forward it on to the City Council for consideration. He asked that the findings from the public hearings held over the past three weeks, the input from the development community, and the work performed by staff be included. Commissioner Scott seconded the motion.

Commissioner Palmer explained that staff would now make the changes discussed and continue to address some of the issues that the Commission did not have time to address. Those issue would be worked through with the Council over the next three to four weeks. He encouraged the Commission Members to stay involved in the process and look at the drafts. Commissioner Diederich was concerned that new language would be added that is not authorized by the Commission. Mr. Allred remarked that only nonmaterial changes would be added. If staff were to go back and come up with substantive material changes to the recommendations made tonight,

it could be challenged. Staff would not do that. Commissioner Palmer remarked that the Commission would see the recommendation as it is presented to the Council and have the opportunity to follow what the Council does and attend their meetings. It was clarified that no substantive changes could be made by staff.

Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Richard Kimball did not participate in the vote.

6. Consent Items.

6.1 Approval of Minutes – Planning Commission Meeting – 10/17/06, 11/08/06, 11/21/06.
(23:30:18) *Commissioner Diederich moved to postpone the consent items. Commissioner Shields seconded the motion. Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Richard Kimball did not participate in the vote.*

Commissioner Palmer asked that modifications to minutes be submitted to staff who would incorporate them into the final version.

7. Commission Business.

7.1 Adoption of 2007 Meeting Schedule.

The meeting schedule was presented and reviewed.

(23:31:50) *Commissioner Diederich moved to approve the meeting times for the 2007 calendar year as listed by staff. Commissioner Carr seconded the motion. Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye. The motion passed. Richard Kimball did not participate in the vote.*

7.2 Election of Officers.

(23:32:30) Commissioner Palmer reported that the three officers to be elected included the Chairman, the Vice Chairman, and the Secretary. Commissioner Diederich suggested Richard Kimball be included in the vote.

(23:33:08) *Commissioner Carr moved to nominate Jim Palmer for re-election as Chair. Commissioner Diederich seconded the motion.*

Commissioner Palmer accepted the nomination.

Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye, Richard Kimball-Aye. The motion passed.

Commissioner Diederich moved to re-elect Cyrus McKell as Vice Chairman. Commissioner Shields seconded the motion.

Commissioner Palmer suggested that Teri Forbes serve as the secretary contingent upon her acceptance.

Vote on motion: Paul Shupe-Aye, Brad Scott-Aye, Lynda Shields-Aye, Cyrus McKell-Aye, Gene Carr-Aye, Howard Diederich-Aye, Jim Palmer-Aye, Richard Kimball-Aye. The motion passed.

8. Adjourn.

The Planning Commission adjourned by the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 11:35 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, December 5, 2006.

A handwritten signature in black ink that reads "Teri Forbes". The signature is written in a cursive, flowing style.

Teri Forbes
Minutes Secretary

Minutes approved: 1-3-07