

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

December 17, 2014

The North Ogden Planning Commission convened in a regular meeting on December 17, 2014 at 6:30pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on December 15, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Scott Barker	Commissioner
Blake Knight	Commissioner
Brandon Mason	Commissioner
Steven Prisbrey	Commissioner
Dee Russell	Commissioner

STAFF:

Jon Call	City Attorney
Stacie Cain	Deputy City Recorder
Robert O. Scott	City Planner

VISITORS:

Julie Anderson	Dale Anderson	Lonnie Kendall	Jonathon Arrington
Don Manley	Debra Manley	Rick Kearn	Dennise Dixon
Dave Dixon	Kam Petersen	Ralph Butler	Tiffany Turner
Newell Marsden	Caroline Heap	Mitchell Fielding	

REGULAR MEETING

Chairman Thomas called the meeting to order at 6:32pm. Commissioner Knight offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CONSIDERATION TO APPROVE THE NOVEMBER 19, 2014 PLANNING COMMISSION MEETING MINUTES

Commissioner Prisbrey made a motion to approve the consent agenda. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

Mayor Brent Taylor thanked the Planning Commission for their service. He stated he wanted to attend tonight's meeting and recognize the newest person to be appointed to the body, Brandon Mason. He stated he feels Mr. Mason will be a great addition to the Planning Commission based on his background. He also invited the Planning Commission to the January 13, 2015 City Council meeting, during which former Planning Commissioner Joan Brown will be recognized for her 12 years of service on the body. Chairman Thomas welcomed Mr. Mason to the Planning Commission as well.

Julie and Dale Anderson, 940 E. 2600 N. Ms. Anderson stated that she has attended two meetings during which the request for the rezone of property at 900 E. 2700 N. has been discussed and it appears the developer is not willing to entertain any other zoning designation besides the R-1-8 zone for the property. She stated she feels the R-1-12.5 zoning designation would be more appropriate, even considering the amendments the applicant has made to his concept drawing. She stated the applicant is ignoring the residents to the south and north of the subdivision and he still concedes the buffer for the subdivision should be 850 East. She added the applicant has taken liberties with the lot sizes and rounded them up in size. She stated that when the only entrance to the property was from Deer Hollow, the R-1-8 zoning may have been more natural, but once it was opened up and access was provided to the 850 E. subdivision, it should have been viewed looking to the east. She stated she understands the land owner is selling his land to make money and she will do the same one day, but hopefully not for a very long time. She then stated she and her husband have prepared a packet of information that summarizes their concerns about the application and their recommended changes relative to the

development of the property. Mr. Anderson reviewed the information in the packet, which read as follows:

This request for R-1-8 zoning is not consistent with most of the surrounding zoning, land use and homes of the immediate neighbors. A broad look at the overall zoning map of the city shows this proposal to be an exception rather than transition. Those that reside in this part of the city do not feel that "affordable housing" is a benefit. They are concerned about what this will do to their home values and quality of life. It appears that concerns expressed by residents about the protection of Rice Creek and EPA issues related to storm water and runoff have not and will not be addressed. Because this developer seems to be pushing the limitations of zoning to the limit, we feel that it is in the best interest of the City of North Ogden to use zoning and restrictions as a method to keep them "in the box" giving as little latitude to stray from verbal or implied promises that this will be a benefit and not a cost to our community.

ISSUES:

The developer should provide the significant contour lines of Rice Creek within the boundaries of the proposed subdivision before any zoning change is approved. I have walked the property and have provided a map of where significant changes of elevation occurs along Rice Creek. City Council member Phil Swanson has also walked the property and visited us at our home to see the issues for himself.

Lot sizes should comply with R-1-12.5 zoning lot sizes.

Protection of trees within Rice Creek Drainage

Sidewalk access for children to attend North Ogden Elementary and North Ogden Junior High School.

Current property line is within 1 foot of Bobka Home on north.

The Bobka Family may open to allowing a sidewalk access to 2750 North where a crosswalk could provide access to the existing sidewalk on 2750 North. If the developer will deed property West of the Bobka home to Bobka family they have indicated they may be open to this.

Mitigation of storm water on 14 degree slope North of the Anderson property and for all downhill lots South and East of proposed 950 East Road above Rice Creek.

The slope and curve of the proposed road 950 East may become a problem for the Manley home during a heavy rain storm. There needs to be guarantees that no water will pass over a curb on the south side of the road where it passes the Manley home.

A proposed illegal storm water drain into Rice Creek on proposed extension of 2675 North (EPA ISSUES)

Proposed location of 950 East creates a land lock for Manly property. Because Manley property now becomes a corner lot can some consideration be given to access to Manley rear lot development?

Property owners North, West and South of the proposed development consider Rice Creek to be the proper buffer between higher and lower density housing.

A significant portion of unusable land has been included in potential lot calculations. (North Strip, Rice Creek drainage, land strip within 60 year old fence on Anderson property

The South narrow strip of land is actually within a 60 year old fence-line on east of Anderson Property. Deer Hollow development also acquiesced this property on July 27, 1993.

Developer refers to Rice Creek as the "Rice Creek Ditch". We believe that this is intentional to minimize the impact this development will have on a critical waterway.

The definition of Ditch is "A long narrow trench or furrow dug in the ground, as for irrigation, drainage, or a boundary line.

Liability Issues for proposed properties adjoining Anderson Property. To mitigate and minimize this risk the Anderson Family is demanding an 8 foot vinyl fence with no pass-thru access from proposed development.

No properties in this subdivision should be any smaller than the smallest lot adjoining this property along Rice Creek. The smallest lot is Terry Morris at 10,018 square feet. Most lots are greater than 11,000 feet with one over 13,000.

Lot sizes to comply with R-1-12.5 zoning lot sizes.

Option 1

Developer Proposed lot sizes

9,000	3
9,500	3
10,000	4
11,000	3
12,000	3
12,500	6 (remainder)
Total	22 (current estimate)

Option 2

Remove lots 4, 17, and 20 and increase adjacent lots

10,000	4
12,500	15
Total	19

Or shift top of road East and have 20 Total lots

Option 3

Remove lots 4, 5, 17, and 20 and increase adjacent lots

12,500	18
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Total 18

Lot 4 removal

Current sizes
Lot 1 9,158
Lot 2 9,751
Lot 3 19,362
Lot 4 15,362
Total 53,596

Suggested size - 8 foot wide access for sidewalk to 2750 North 222 • 10 = 2,220 square feet

Lot 1 15,500
Lot 2 15,500
Lot 3 20,376
Access 2,000
Total 53,596

Lot 20 removal

Current sizes
Lot 20 9,458
Lot 21 10,999
Lot 22 9,887
Lot 23 9559
Total 39,903

Suggested Sizes
Lot 1 13,301
Lot 2 13,301
Lot 3 13,301
Total 39,903

Lot 17 removal

Current sizes
Lot 17 12,109
Lot 18 12,504
Lot 19 11,804
Total 36,417

Suggested Sizes - (Provide Manley Access, shift road to bring lots 13, 14, 15 up to 12,500 feet)

Lot 18 15,999
Lot 19 15,999
Shift 4,419
Total 36,417

Lot 5 removal

May not be necessary to bring lots 6, 7, 10 up to 12,500 size if road is shifted or lines are moved on other lots.

Mr. Anderson added that his packet also includes the current zoning map of the City and he pointed out the subject property that is currently zoned RE-20 is not an island surrounded by R-1-8 zoning; rather the R-1-8 zoning is an island in the middle of lower density property. He stated he has also used google earth to overlay the developer's proposal over the City's zoning map. He stated he has also provided a plan that he feels could be used to make the development work to everyone's satisfaction.

Commissioner Knight stated that he feels Mr. and Mrs. Anderson make some valid comments, but as far as the storm drainage is concerned, the City Engineer will ensure that all drainage meets the requirements of the City's Code before anything can be approved. City Planner Scott agreed and noted it is important to understand that this is a two-step process and the first step is to consider the zoning of the property; all infrastructure and subdividing of the property will be considered in the next step, which is the development approval step of the process.

2. DISCUSSION AND/OR ACTION TO APPROVE TAYLOR HILL SUBDIVISION, PRELIMINARY PLAT, LOCATED AT APPROXIMATELY 3275 N MOUNTAIN RD

A staff memo from City Planner Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria. The applicant is requesting preliminary approval of a 7 lot subdivision at approximately 3250 North Mountain Road known as Taylor Hill Subdivision. The 7 lot subdivision is on 2.83 acres and is located in the R-1-10 (5 lots) and R-1-12.5 (2 lots) zones. The R-1-10 zone requires a minimum lot size of 10,000 square feet on interior lots and 11,000 square feet on corner lots with a frontage requirement of 90 feet. The R-1-12.5 zone requires a minimum lot size of 12,500 square feet on interior lots and 3,500 square feet on corner lots with a frontage requirement of 100 feet. All of the proposed lots are interior lots. The property is currently vacant. This subdivision will provide a connecting link on Mountain Road between two existing subdivisions (Northcrest and Indian Cove). The property sits on a hillside with some fairly steep slopes. The City technical review committee met on October 3, 2014 and provided comments. The comments must be addressed as part of final approval. The City Engineer has provided a staff report dated December 8, 2014. (See Exhibit D) The letter addresses items regarding the need for a will serve letter from PineView, an agreement for the widening of Mountain Road, plat requirements, construction drawings, and general comments. The plat requirements specifically deal with the issue of steep slopes and the need for grading plans. There is a unique situation with two adjoining undevelopable parcels 1600440032 next to lot 5 and 1600490077 next to lot 1. It is unfortunate that these two parcels have not been included with this subdivision or other adjoining lots. There is also a restriction on building size and fire flow limitations, i.e., any home constructed above 6,200 square feet will be required to have a sprinkling system.

The memo offered the following potential Planning Commission considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and Zoning Ordinances?
- Do the requirements from the referral agencies address the future development needs of this subdivision?

The proposed subdivision meets the requirements of applicable North Ogden City Ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as single family residential. Staff recommends preliminary approval of this application for the Taylor Hill Subdivision subject to the conditions from the reviewing agencies.

Mr. Scott reviewed his staff memo and concluded he feels it would be most appropriate for the Planning Commission to continue this item to allow the applicant time to meet with adjacent property owners to determine if it is possible to reach a resolution relative to the use of the subject property.

Commissioner Mason indicated he resides fairly close to the subject property and knows the property owners well; he recused himself from participating in the remainder of the discussion and from voting on the item.

Commissioner Knight asked if an action to approve the subdivision could be affected by a future decision to sell the property by the property owner. Mr. Scott reiterated that he would recommend the Planning Commission continue this item in order to address that issue, but if the Planning Commission decides to act on the item tonight, they could grant preliminary approval with the condition that the orphan parcels not be included on the preliminary plat or with a condition dictating in the manner in which the orphan parcels should be included on the plat.

Chairman Thomas asked if it would be possible to consider an amended plat in the future in the event that the issue with the orphan lots is resolved. City Attorney Call noted that if the boundaries of the subdivision change in the future the Planning Commission may be required to follow the process to consider an amended plat. Mr. Scott stated he would like to address the issues prior to the Planning Commission considering the final plat.

Chairman Thomas stated it is important to note that the applicant is actually Remodel West (RW) Custom rather than Lonnie Kendall.

Chris Anderson, RW Custom, stated that his company recently got involved with the project a few weeks ago and it was his understanding that the City would not be recommending a condition of approval that he purchase the orphan lots before being granted preliminary approval. He stated he would like to move forward with the project and asked that the Planning Commission not table action on his application tonight.

Vice-Chairman Waite stated that he can see that the orphan lots could be a negative aspect of the neighborhood if the issue is not appropriately resolved. The Planning Commission had a brief

discussion regarding the layout of the subdivision and associated infrastructure, with Chairman Thomas noting that the road as well as curb, gutter, and sidewalk will be installed in front of the orphan parcels.

Ralph Butler stated that he owns the triangular shape of property abutting the subject property; it has 66 feet of curb and gutter. He stated he is trying to negotiate a sale or trade with the developer of the subject property and another adjacent property owner wishes to purchase a portion of his property as well in order to accommodate the construction of an accessory building. He stated he feels the negotiations will be successful and he does not want to delay the applicant's preliminary approval this evening.

Chairman Thomas stated he attended the technical review committee meeting for this project and all parties are eager to complete the section of the road that will run through the development; it will provide better connectivity in the area.

Commissioner Knight made a motion to approve the Taylor Hill Subdivision, preliminary plat, located at approximately 3275 N. Mountain Road with the condition that future versions of the final plat could be modified to include all of or portions of the orphan lots upon successful land transactions. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	abstained
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

3. DISCUSSION AND/OR RECOMMENDATION TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 900 E 2700 N, FROM RESIDENTIAL RE-20 TO RESIDENTIAL R-1-8

A memo from City Planner Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The Planning Commission conducted an initial hearing but due to an incomplete notice continued the public hearing until December 3, 2014 after allowing those in attendance to make comment. On December 3, 2014

the Planning Commission received additional input from surrounding neighbors. The neighbors requested that the Planning Commission consider recommending an R-1-12.5 zone. It was further discussed that through a development agreement that with certain conditions an R-1-8 zone may be appropriate if the concerns raised by neighbors are addressed. The applicant has submitted a revised subdivision plat and a letter dated December 10, 2014 suggesting potential terms in a development agreement that would retain the R-1-8 zone request. There is a table showing the average minimum lot size (12,625 square feet), maximum allowable lots (22 new lots/1 developed lot), acceptable total lots by lot size, lots that directly abut 850 East minimum lot size (lot 16 will be a minimum of 20,000 square feet), lots that directly abut the 850 East property (lots 8-15 will be a minimum 12,500 square feet), minimum buildable area for lots abutting the western side of Rice Creek will have a minimum buildable size (this is yet to be determined), provisions for the Rice Creek drainage (establish a non-buildable contour line which building cannot occur/to be determined) and (Rice Creek drainage will remain open to Wildlife), and CC&Rs regarding dumping.

The General Plan calls for "All development in the community should be built on land suitable for the intended use." Additionally, "A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space." The Zoning and Land-Use Policy includes guidelines for how zoning changes should be considered:

General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use. Staff comment: The applicant has provided a list of potential conditions to be included within a development agreement that addresses the size of lots adjacent to the lots on 850 East, provides for a buffer with the lots backing onto Rice Creek, and shows the existing home on a lot with a minimum of 20,000 square feet. The revised design and proposed development agreement should provide a sufficient buffer to the adjacent properties.
2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition. Staff comment: This area is in transition from agricultural to urban uses, primarily single family subdivisions.
3. Where possible, properties which face each other, across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones. Staff comment: This neighborhood has R-1-8 zoning on the periphery with RE-20 in the middle. The lots along 850 East are sized to be consistent with the existing RE-20 lots.
4. Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines. Staff comment: The petition will have all properties in the same zone.

Residential Guidelines

8. Avoid isolating neighborhoods. Staff comment: The roadway design for this subdivision has been modified to connect to 850 East. The street layout provides for appropriate connections that will provide connectivity to other neighborhoods.

The General Plan map calls for this property to be developed as single family residential, low density. Both RE-20 and R-1-8 zones are allowed in this designation. The memo summarized the potential Planning Commission considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Is the R-1-8 request appropriate for this neighborhood with the proposed development agreement provisions and revised subdivision plat?

This is a policy decision; the General Plan allows for both the RE-20 zone classification and the R-1-8 classification for this property. If the Planning Commission determines that the R-1-8 zone is appropriate with the provisions to be included within a proposed development agreement; the Commission can find that the application is consistent with the North Ogden General Plan and recommend approval of the rezone to the City Council.

Mr. Scott noted he was contacted by the applicant earlier today and he is willing to stipulate to an R-1-10 zoning designation for the subject property without a development agreement attached to the zoning designation.

Commissioner Barker referenced lots 21, 22, and 23 that appear to run through Rice Creek. He asked if the lot sizes include Rice Creek. Mr. Scott stated those issues will be addressed during the subdivision application phase of the development.

Vice-Chairman Waite stated that if the R-1-10 zoning designation were to be considered there are five lots that would need to be modified by increasing the size; this would likely result in the elimination of two additional lots in the development, which would be very similar to the plan that Mr. Anderson reviewed earlier in the meeting. He stated he feels the R-1-10 zoning addressed many of the issues and concerns that have been expressed.

The Planning Commission had a brief discussion regarding the shape and geographic features of the land that essentially limit the division of the land and the creation of standard lot shapes and sizes. There was a focus on existing developments in the area and how they relate to Rice Creek and the subject property, with Mr. Scott again reiterating that many of the issues being discussed this evening will be addressed by staff and the Planning Commission throughout the subdivision approval process. Chairman Thomas stated he feels that the fact that the developer has agreed to the R-1-10 zoning designation coupled with the fact that many of the concerns will be addressed during the subdivision approval process make for a good outcome.

Commissioner Knight made a motion to forward a positive recommendation to the City Council regarding the rezone of property located at approximately 900 E. 2700 N., from Residential RE-20 to Residential R-1-10. Vice-Chairman Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	abstained
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

4. DISCUSSION TO AMEND ORDINANCE 11-10, REGULATIONS APPLICABLE TO MORE THAN ONE ZONE TO ESTABLISH STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

A staff memo from City Planner Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes. The City Council received a request from Shelley Hancock expressing a desire to have North Ogden City adopt standards to eliminate the use of trailer pods as storage sheds. The City Council has directed Staff to present this item for consideration. Staff has collected various ordinances from around the state and has identified various issues to address. Staff has also taken pictures of the sheds Ms. Hancock is concerned about. North Ogden City's ordinances do not have any accessory building standards for materials. Accessory buildings are allowed to cover so much of the rear yard space and do not require a building permit for buildings smaller than 200 square feet. The following are general standards from other city ordinances. Staff recommends that the Planning Commission review these options and identify those provisions that you would like included in a draft ordinance. Staff will bring back language for your consideration.

Accessory Building Standards

What provisions does the Planning Commission want to add regarding accessory buildings?

Staff comment: Some examples of standards that could be included are:

- Number per lot - Establish a maximum number of accessory buildings per lot
- Design - Limit the original design to function as a typical accessory residential structure and not another use
- Roofing - Materials for roofing can also be done excluding galvanized surfaces or other materials not originally designed as an exterior wall or roof finish material.
- Materials for sheds over 400 square feet - Could be limited to brick, stone, wood, vinyl siding, etc.
- Materials for sheds under 400 square feet - Could have a standard for materials such as metal siding that has a baked enamel finish, architectural metal, or vinyl walls.

Location and size - Standards could be created for locating accessory buildings based upon the size and material, e.g., limit the size of metal accessory buildings to the rear yard and allow nonmetal building in the side and rear yard.

Portable Storage Containers in Residential and Non-Residential Zones. Does the Planning Commission want to consider an ordinance that includes both residential and non-residential zones?

Staff comment: Some of the ordinances contain provisions for both residential and non-residential zones. The reason for this is that some businesses will bring in storage containers due to a lack of inventory space. In residential zones some cities allow temporary use of these containers for a 6 month period during construction.

Does the Planning Commission want to address both portable storage containers and permanent storage sheds?

Staff comment: The following is a list of provisions that could be included in a storage shed provision.

Non-residential Zones (Commercial and Manufacturing)

Staff comment: Some examples of restrictions include:

- No permanent structure

- No stacking of storage containers

- Shall not be used as dwellings, camping, cooking or recreation purposes, and may not be connected to plumbing or electricity.

What are the general standards for residential zones?

Staff comment: Some examples of standards include:

- Not be allowed for permanent storage

- One portable per parcel

- Only allowed for moving purposes

- Allowed for a specific time period, e.g., 14 days

- Must be on a driveway or private property

- Allowed during construction or remodeling

- Require a permit

- Time period for 6 months

- Not located in the public right of way

- Be removed before a certificate of occupancy is granted

The following sections from the General Plan should be considered as part of this decision process:

Community Development

(3) Implementation Goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards

Community Aesthetics

The citizens of North Ogden want a community that has admirable visual qualities in all areas of the city. The visual quality of the city and its surroundings are important. These qualities create a sense of pride and place and they should be maintained.

(3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the city.

Zoning Ordinance

Zoning is an implementation device used to accomplish the intended purposes of the General Plan. The purpose of zoning is to group compatible land uses and to establish densities and requirements for all development.

Suggested improvements for the City of North Ogden Zoning Ordinance include the following. Conduct a general review of the entire zoning ordinance to check for conformance to the new General Plan. Make appropriate modifications.

The memo offered the following potential Planning Commission considerations:

- Does the Planning Commission agree that standards should be established for storage sheds?
- If so, what standards does the Planning Commission want to include in an ordinance amendment?
- Consider the General Plan in creating the amendment.

The memo concluded by noting staff recommends the Planning Commission discuss the options for addressing shed standards; once the Planning Commission identifies a direction then Staff will prepare a draft ordinance.

Mr. Scott reviewed his staff memo and asked for feedback from the Planning Commission relative to the option for addressing accessory buildings in residential zones that they are most comfortable with. The Planning Commission engaged in debate and discussion of the appropriate standards that should be imposed against accessory buildings, with a focus on the difference between temporary and permanent accessory buildings. Mr. Scott concluded he will use Planning Commission feedback to begin crafting a draft ordinance regarding the governance of accessory buildings.

5. DISCUSSION AND/OR ACTION TO APPROVE BUILDING PLANS FOR LEWIS PEAK SUBDIVISION PRUD LOT 31

City Planner Scott stated that there is no approved building plan for the phase of the Lewis Peak Subdivision in which lot 31 is located. He stated that staff has encouraged the developer to provide a set of plans to be approved for all lots in the phase, but they have chosen to seek individual approval for each lot in the phase.

Commissioner Knight inquired as to the difference between this development and other developments in the City that do not require approval of individual building plans. Mr. Scott stated he is unsure of the difference and noted that he spoke with Building Official Kerr who told

him that approval of the building plans for the Lewis Peak development is required. He stated that multiple building plans for initial phases of the subdivision were approved and staff had the ability to review and approve individual building plans; that has not been the case for this phase of the subdivision. The Planning Commission discussed options for addressing the subdivision in a way that will eliminate the future need to review and consider future building plans. Mr. Call stated he will need to review the language for the PRUD to determine if approval of individual building plans is required until the time that the subdivision has reached buildout. After a brief discussion, Mr. Call concluded that it is appropriate for the Planning Commission to consider an additional plan for the subdivision due to the fact that he feels the public has had sufficient notice that plan approval could take place this evening. He added that other residents living in the development will receive additional notice of the plan approval action by the home owners association (HOA) board. Chairman Thomas agreed.

Rick Kearl stated that it was his understanding that he only had to seek approval of the architectural control committee as he has never heard of planning commissions in other communities approving individual building plans. He stated that he strives to provide custom plans to people seeking to build a home in the development and he wondered if the Planning Commission could make an arbitrary decision to impose additional restrictions or deny approval of a certain building plan that complies with the building material requirements in the CC&Rs. The Planning Commission and applicant engaged in a discussion focused on the reason that approval of individual building plans is required at this point in time, with the conclusion that if the applicant provides multiple building plan samples for the Planning Commission to approve it will be possible for the Planning Commission to take one action and not require additional future applications for individual building plans.

Vice-Chairman Waite made a motion to approve two building plans for Lewis Peak Subdivision PRUD lot 31. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

6. PUBLIC COMMENTS

There were no public comments.

7. PLANNING COMMISSION/STAFF COMMENTS

Mr. Scott provided the Planning Commission with an update regarding the process to update the City's General Plan, encouraging each member and resident to fill out the public survey that will be used throughout the process. Chairman Thomas added the charrette for the General Plan update project will be held January 15, 2015.

8. ADJOURNMENT

Commissioner Prisbrey made a motion to adjourn the meeting. Vice-Chairman Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 8:14 p.m.

Planning Commission Chair

Stacie Cain,
Deputy City Recorder

Date approved

Rezone request for 2700 North 900 East (ZMA 2014-03)

This request for R-1-8 zoning is not consistent with most of the surrounding zoning, land use and homes of the immediate neighbors. A broad look at the overall zoning map of the city shows this proposal to be an exception rather than transition.

Those that reside in this part of the city do not feel that "affordable housing" is a benefit. They are concerned about what this will do to their home values and quality of life.

It appears that concerns expressed by residents about the protection of Rice Creek and EPA issues related to storm water and runoff have not and will not be addressed.

Because this developer seems to be pushing the limitations of zoning to the limit, we feel that it is in the best interest of the City of North Ogden to use zoning and restrictions as a method to keep them "in the box" giving as little latitude to stray from verbal or implied promises that this will be a benefit and not a cost to our community.

ISSUES:

The developer should provide the significant contour lines of Rice Creek within the boundaries of the proposed subdivision before any zoning change is approved. I have walked the property and have provided a map of where significant changes of elevation occurs along Rice Creek. City Council member Phil Swanson has also walked the property and visited us at our home to see the issues for himself.

Lot sizes should comply with R-1-12.5 zoning lot sizes.

Protection of trees within Rice Creek Drainage

Sidewalk access for children to attend North Ogden Elementary and North Ogden Junior High School.

Current property line is within 1 foot of Bobka Home on north.

The Bobka Family may open to allowing a sidewalk access to 2750 North where a crosswalk could provide access to the existing sidewalk on 2750 North. If the developer will deed property West of the Bobka home to Bobka family they have indicated they may be open to this.

Mitigation of storm water on 14 degree slope North of the Anderson property and for all downhill lots South and East of proposed 950 East Road above Rice Creek.

The slope and curve of the proposed road 950 East may become a problem for the Manley home during a heavy rain storm. There needs to be guarantees that no water will pass over a curb on the south side of the road where it passes the Manley home.

A proposed illegal storm water drain into Rice Creek on proposed extension of 2675 North
(EPA ISSUES)

Proposed location of 950 East creates a land lock for Manly property. Because Manley property now becomes a corner lot can some consideration be given to access to Manley rear lot development?

Property owners North, West and South of the proposed development consider Rice Creek to be the proper buffer between higher and lower density housing.

A significant portion of unusable land has been include in potential lot calculations.
(North Strip, Rice Creek drainage, land strip within 60 year old fence on Anderson property

The South narrow strip of land is actually within a 60 year old fence-line on east of Anderson Property.
Deer Hollow development also acquiesced this property on July 27, 1993.

Developer refers to Rice Creek as the "Rice Creek Ditch". We believe that this is intentional to minimize the impact this development will have on a critical waterway.

The definition of Ditch is "A long narrow trench or furrow dug in the ground, as for irrigation, drainage, or a boundary line.

Liability Issues for proposed properties adjoining Anderson Property. To mitigate and minimize this risk the Anderson Family is demanding an 8 foot vinyl fence with no pass-thru access from proposed development.

No properties in this subdivision should be any smaller than the smallest lot adjoining this property along Rice Creek. The smallest lot is Terry Morris at 10,018 square feet. Most lots are greater than 11,000 feet with one over 13,000.

Lot sizes to comply with R-1-12.5 zoning lot sizes.

Option 1

Developer Proposed lot sizes

9,000	3
9,500	3
10,000	4
11,000	3
12,000	3
<u>12,500</u>	6 (remainder)
Total	22 (current estimate)

Option 2

Remove lots 4, 17, 20 and increase adjacent lots

10,000	4
<u>12,500</u>	15
Total	19

Or shift top of road East and have 20 Total lots

Option 3

Remove lots 4, 5, 17, 20 and increase adjacent lots

<u>12,500</u>	18
Total	18

Lot 4 removal

<u>Current sizes</u>	
Lot 1	9,158
Lot 2	9,751
Lot 3	19,362
<u>Lot 4</u>	<u>15,362</u>
Total	53,596

Suggested size - 8 foot wide access for sidewalk to 2750 North 222 * 10 = 2,220 square feet

Lot 1	15,500
Lot 2	15,500
Lot 3	20,376
<u>Access</u>	<u>2,000</u>
Total	53,596

Lot 20 removal

<u>Current sizes</u>	
Lot 20	9,458
Lot 21	10,999
Lot 22	9,887
<u>Lot 23</u>	<u>9,559</u>
Total	39,903

<u>Suggested Sizes</u>	
Lot 1	13,301
Lot 2	13,301
<u>Lot 3</u>	<u>13,301</u>
Total	39,903

Lot 17 removal

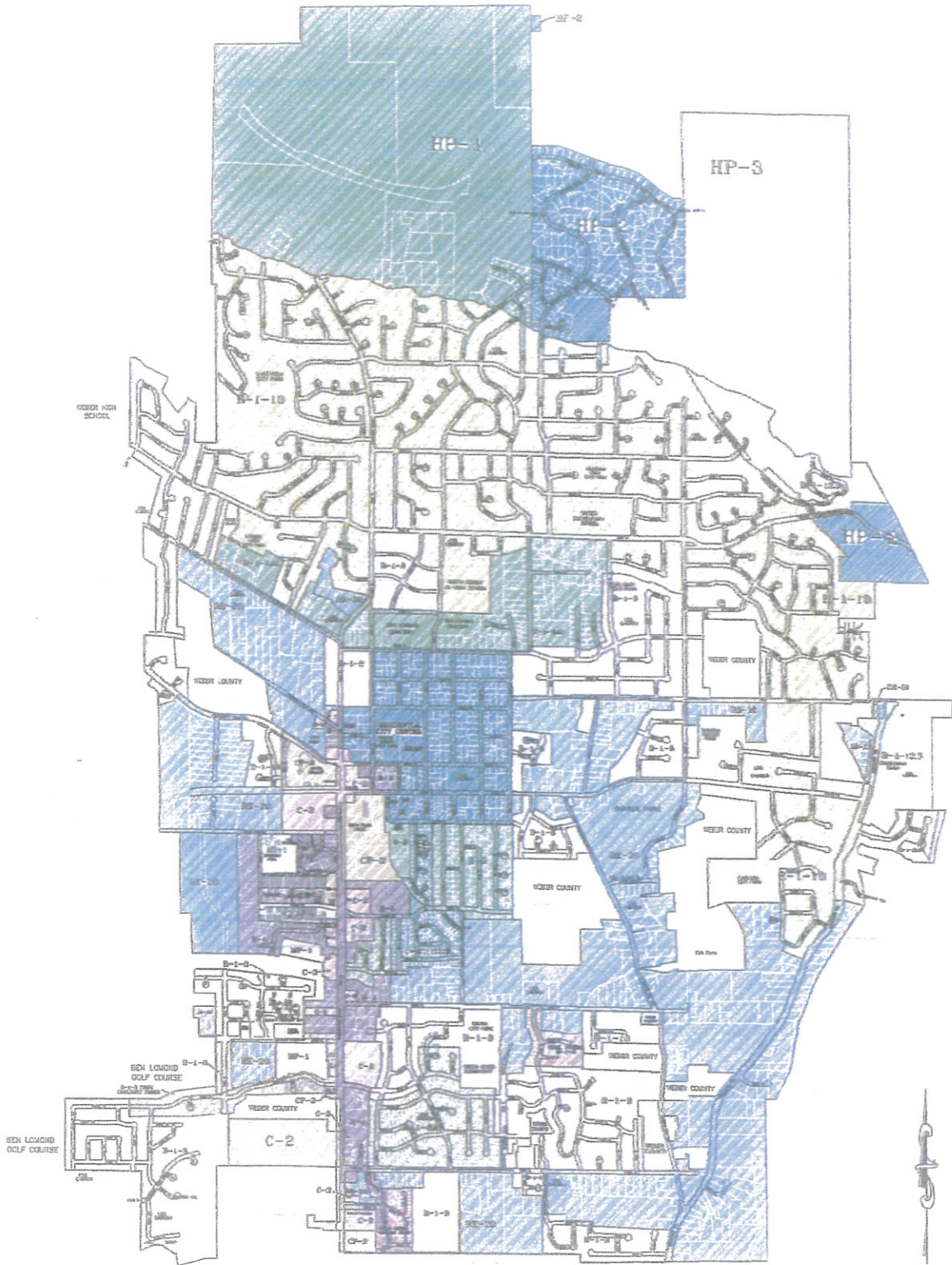
<u>Current sizes</u>	
Lot 17	12,109
Lot 18	12,504
<u>Lot 19</u>	<u>11,804</u>
Total	36,417

Suggested Sizes – (Provide Manley Access, shift road to bring lots 13, 14, 15 up to 12,500 feet)

Lot 18	15,999
Lot 19	15,999
<u>Shift</u>	<u>4,419</u>
Total	36,417

Lot 5 removal

May not be necessary to bring lots 6, 7, 10 up to 12,500 size if road is shifted or lines are moved on other lots.



73.26 In. Street Mileage as of Feb. 14, 2007
Approx. 7.32 Square Miles as of Oct. 3, 2011
Approx. 4982.14 Acres as of Oct. 3, 2011

Zoning Map North Ogden City

SCALE: NONE REVISION: FEB 1, 2012

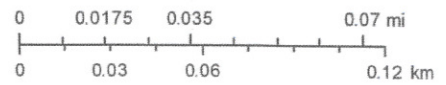
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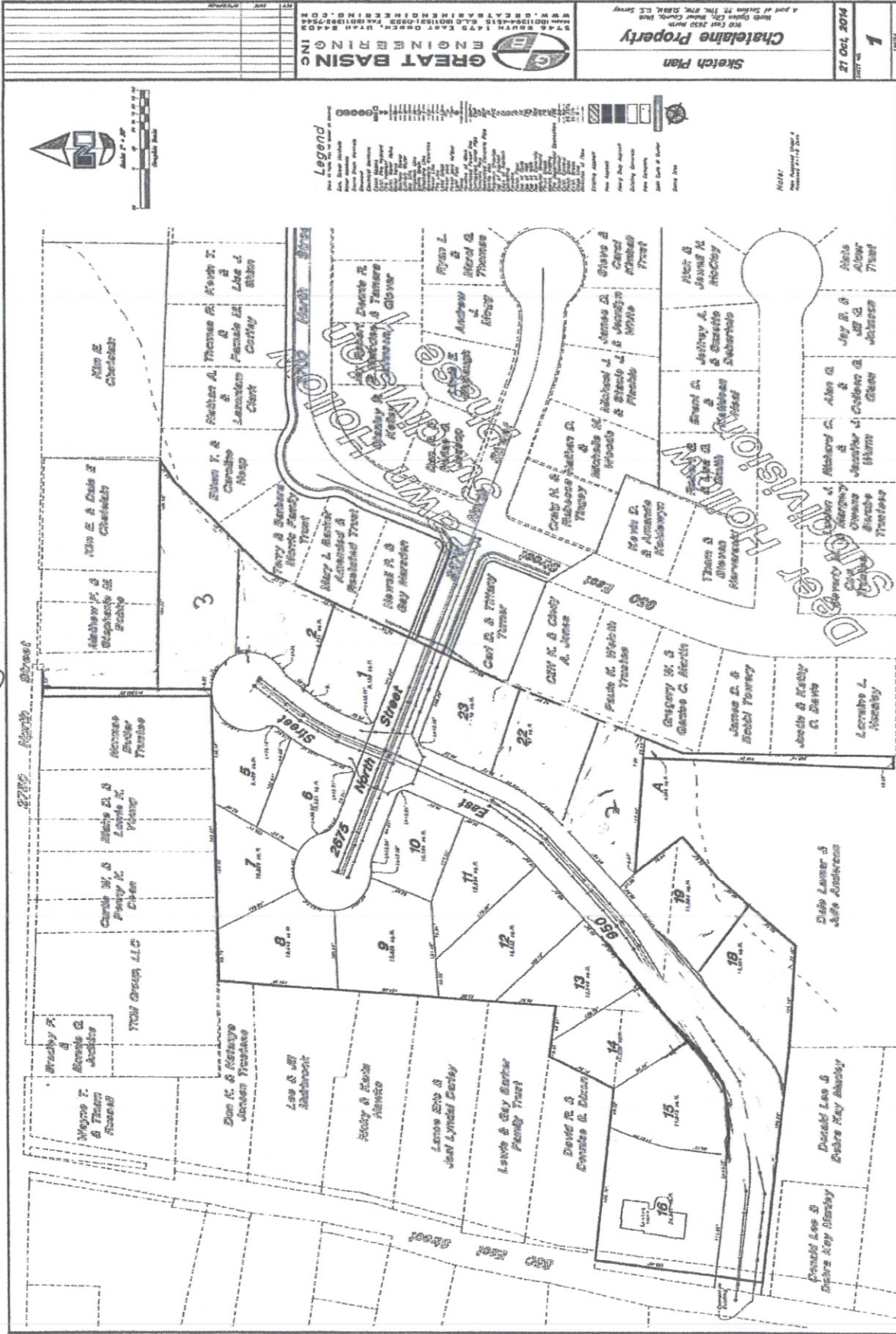


December 14, 2014

1:2,257

- Street Labels
- Parcel Address
- City Labels





7578

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Chatahatchee Property
Sketch Plan
27 Oct 2014