

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

January 7, 2015

The North Ogden Planning Commission convened in a regular meeting on January 7, 2015 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 31, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 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:

Gary Kerr	Building Official
Jon Call	City Attorney
Stacie Cain	Deputy City Recorder
Robert O. Scott	City Planner

VISITORS:

Scott Hancock	Jay Greaves	Penny Dean	Curtis Dean
Sky Rands	Jolene Oyler	Ron Anderson	Karla Anderson
Shelley Polson	Linda Langeveld	Joe M. Langeveld	Ron Storey
Mike Storey	Julie Lightfoot	Dave Brown	Darlene Buckley
Clyde Nuzman	Yvonne Nuzman	Denese Checketts	David Checketts
Theron Hunter	Diane Childs	Barbara Leatham	Doug Leatham
Don Matthewson	Charlene Matthewson	Gerald Edmunds	Ron Smith
Pam Smith	David Al Harris	Lamar Taylor	

REGULAR MEETING

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

CONSENT AGENDA

1. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DOG KENNEL FOR SHERRY CHANDLER, LOCATED AT 505 EAST 1700 NORTH.**
2. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DOG KENNEL FOR SHELLY FUENTES, LOCATED AT 2650 NORTH 200 EAST.**
3. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DOG KENNEL FOR CAROLYN ECKSTROM, LOCATED AT 1890 NORTH MOUNTAIN ROAD.**
4. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DANCE STUDIO FOR JENNIFER MARSH, LOCATED AT 325 EAST 2000 NORTH.**
5. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A PRESCHOOL ALLOWING 12 CHILDREN FOR HELEN MICKELSON, LOCATED AT 3129 NORTH 425 EAST STREET.**
6. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A PRESCHOOL ALLOWING 12 CHILDREN FOR LISA LEWIS, LOCATED AT 3629 NORTH 275 EAST STREET.**
7. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A CHILDCARE ALLOWING 12 CHILDREN FOR KARI HOLIDAY, LOCATED AT 943 EAST 2800 NORTH STREET.**
8. **CONSIDERATION TO APPROVE THE DECEMBER 3, 2014 PLANNING COMMISSION MEETING MINUTES.**

Commissioner Waite made a motion to approve the consent agenda. 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.

ACTIVE AGENDA

1. CONSIDERATION TO ELECT A CHAIRMAN AND VICE-CHAIRMAN OF THE PLANNING COMMISSION

A staff report explained the North Ogden City Zoning Ordinance requires the Planning Commission to elect a Chairperson and Vice-Chairperson annually, which is normally done at the first meeting of the year. The Chairperson and Vice-Chairperson can be elected by voice nomination or staff can provide paper for a silent nomination.

Commissioner Russell made a motion that Chairman Thomas and Vice-Chairman Waite continue to serve as leadership for the Planning Commission during 2015. 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.

2. PUBLIC COMMENTS

Pam Smith, 579 E. 2200 N., asked why it is necessary to rezone the Greaves property. She stated residents were told that the subdivision would contain three single family dwellings. Chairman Thomas stated it is his understanding the request is to change the zoning from RE-20 to R-1-12.5, which allows 12,500 square foot lots. Ms. Smith asked if there is a saturation point for multiple family dwellings in a particular area. Chairman Thomas stated he is not familiar with such a saturation point. Ms. Smith asked if all residents will be made aware of future public hearings regarding the subdivision of the Greaves property, to which Chairman Thomas answered yes and noted that that multi-family development would not be allowed in the R-1-12.5 zone that is being requested.

3. DISCUSSION AND/OR ACTION TO APPROVE GREAVES SUBDIVISION, PRELIMINARY PLAT, LOCATED AT APPROXIMATELY 515 E 2175 N

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 3 lot subdivision at approximately 515 East and 2175 North. A concurrent rezone petition is being processed from Suburban Estate RE-20 to Single Family Residential R-1-12.5. The applicant's proposed subdivision is designed for lots that are approximately 14,000 square feet with about 108 feet of frontage. If the RE-20 zone is retained there will be two 21,000 square foot lots with 160 feet of frontage. All of the infrastructure improvements are in place with the exception of sidewalks. The City technical review committee met on December 4, 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. The letter addresses the ground water issue for this area. There are no land drains in this location to tie into. Groundwater will be the property owner's responsibility and a notation on the plat is required. The standard requirements for addressing are included. There is also a restriction on building size and fire flow limitations, i.e., any home with constructed above 6,200 square feet will be required to have a sprinkling system. Storm drainage is addressed and sidewalks will be installed. Coordination with Pine View secondary water is required. The memo summarized the potential Planning Considerations as follows:

- 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 memo concluded 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 medium density residential. Staff recommends preliminary approval of the Greaves Subdivision subject to the conditions from the reviewing agencies and the additional following conditions: that the applicant meet the requirements of the Technical Review Committee and the North Ogden City Engineer.

Mr. Scott reviewed his staff memo.

Vice-Chairman Waite asked if it is acceptable to approve the preliminary plat for a project prior to the subject property being rezoned. Mr. Scott answered yes and noted it is an acceptable practice; the zoning of the property will be addressed at the next regularly scheduled meeting, after which the final plat application can be submitted.

Commissioner Barker asked if the City will have any liability in the event that groundwater issues are found on the property at a future date. Mr. Scott indicated the plat includes a notation regarding groundwater; this notation places the responsibility upon the property owner and contractor.

Ron Anderson stated that he owns the property east of the subject property and he inquired as to the size of homes that can be built in the proposed subdivision and how close they will be located to his property line. He noted that in homes within the Legacy Planned Residential Unit Development (PRUD) were allowed within 10 feet of his property line. Chairman Thomas noted that in the R-1-12.5 zone, homes must be located 10 feet from their side property line, 30 feet from the front property line, and 20 feet from the rear property. He stated that in this case, the

closest a home could be to Mr. Anderson's property is 10 feet. Mr. Anderson stated he keeps animals on his property and he is wondering if it is fair to allow people to build homes that close to the property line; it may cause problems for him and his animals.

Vice-Chairman Waite addressed the preliminary plat and inquired as to the plans to mitigate any water issues on the property.

Jay Greaves stated that he thought he would be the only visitor present this evening; he is seeking approval to build three homes on his property, not apartments or four-plexes. He stated the homes to be built there would be conducive to maintaining high property values and attracting nice families to the area. He stated initially he owned 10 acres in the area and 15 years ago he sold six acres to John Hansen, which were used for the Legacy PRUD. He stated he sold 2.5 acres last October; he would like to subdivide the remaining property into three third-acre lots and he has selected the home builder for the project – CF Olsen Homes. He then provided a brief history of the development of the Legacy PRUD and noted he now wishes to move from his property and provide for a development that is best for the entire neighborhood. He noted there is no right-of-way for water along the back of the property; the easement is actually located on the front of his property, but other users have diverted the water over the years. He stated the ponds are very shallow and can be diverted easily. He noted there was a high water table on the property 15 years ago, but the homes that were built on the property that he sold all have basements and have never had water problems. He added that his personal home also has a basement and he has never had problems. He noted that a couple of years ago he was approached by a developer wishing to build apartments or multi-family dwellings on his property, but he has refused to do that and, instead, would like to build single family homes that will enhance the neighborhood. He stated Mr. Anderson's home is very nice and the proposed project will protect his property. He added water and sewer is stubbed to the property and there are also plans to install the sidewalk upon completion of the project. He concluded he appreciated Mr. Scott's work and assistance on this project and noted he has worked with the City for many years to keep the area nice and quiet.

Donald Matheson, 2277 N. 515 E., stated that he was interested in this development because the lot sizes are larger than the lots in the development with four-plexes. He is pleased by what he heard from Mr. Greaves and thinks the project will be nice.

Chris Olsen, with CF Olsen homes, 202 E. 3700 N., stated that Mr. Greaves has always been very considerate of the neighborhood and maintaining its legacy as well as the legacy of his family. He stated he is very excited to be involved in the project and the three homes built there will be very nice. He encouraged the nearby residents to contact him if they ever have a concern.

Commissioner Prisbrey made a motion to approve the Greaves Subdivision Preliminary Plat, located at approximately 515 E. 2175 N., with the condition that the property be zoned R-1-12.5. Commissioner Knight 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.

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. On December 17, 2014 the Planning Commission reviewed 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. Staff presented several options based on research of other ordinances from around the state. The Planning Commission identified the following provisions to be included in the Accessory Building Standards:

- Number per lot - Establish a maximum number of 3 accessory buildings per lot but an accessory garage is not included in that number.
- Design - Limit the original design to function as a typical accessory residential structure and not another use
- Roofing - Materials for roofing to exclude galvanized surfaces or other materials not originally designed as an exterior wall or roof finish material.
- Materials for sheds over 200 square feet limited to brick, stone, wood, vinyl siding, etc.
- Materials for sheds under 200 square feet will be allowed materials such as metal siding that has a baked enamel finish, architectural metal, or vinyl walls.
- Location and size - Standards 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 non-metal building in the side and rear yard.

Staff is currently aware of two locations where there are non-traditional pods/trailers being used as accessory buildings. The Planning Commission will need to decide whether or not to place an amortization time limit on these existing sheds to have them removed after a reasonable time period, e.g., 2-3 years. Otherwise, if the ordinance is amended these existing pods will be able to stay with a non-conforming status. Staff also discovered that 11-7C (Legacy Planned Residential

Zone), 11-7D (Roystone Farms Planned Residential Unit Zone), 11-7E Quail Ponds Planned Residential Unit Zone), 11-7G (Multi-Family Residential Zone (R-3), and 11-7I (Cold Creek Village Planning Residential Unit Development Zone) do not list accessory uses in the permitted use table. The following language has been added to these five zones: "Accessory buildings and uses customarily incidental to any permitted use."

The Planning Commission also discussed whether or not to establish standards for portable storage containers and requested the following standards be included in both residential and non-residential zones:

Non-residential Zones (Commercial and Manufacturing)

- No permanent portable storage containers
- 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.

Residential Zone Standards

- 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.

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 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 summarized the following potential Planning Commission considerations:

- Does the Planning Commission agree with the draft standards for accessory buildings?
- Does the Planning Commission want to include an amortization provision to eliminate the existing pods/trailers after a certain time period?

- Does the Planning Commission agree with the draft standards for portable storage containers?
- Are the draft ordinances consistent with the General Plan?

The memo concluded staff recommends discussion of the options for addressing shed standards; once the Planning Commission identifies a direction; upon receiving feedback and direction, Staff will prepare a draft ordinance.

Mr. Scott summarized his staff memo and summarized the draft ordinance.

Vice-Chairman Waite stated that some of the material regulations in the proposed ordinance are very specific; he noted he works for Lifetime Products, which is a company that builds many outdoor sheds and their products would not be permitted in North Ogden because they are constructed of HDPE. He then referenced the calculation of door area for a shed and stated that he did not know that was a consideration. Mr. Scott stated he believes Vice-Chairman Waite misunderstood door area for total footprint of an accessory building; accessory buildings cannot be more than a certain percentage of the dwelling unit square footage, with a maximum size of no more than 2,000 square feet. Vice-Chairman Waite reiterated he feels some of the recommended regulations may be too specific. Mr. Scott stated that the City staff responsible for reviewing building permit applications appreciate clear, specific standards by which to evaluate an application by. He agreed the regulations are very specific, but noted it may be appropriate to include HDPE as an allowed building material. General discussion then centered on the allowed building materials, with the Planning Commission concluding to include additional building materials traditionally used for accessory buildings.

Vice-Chairman Waite asked if a resident that owns a small farmhouse, but wishes to build a large stable on their property would need to apply for a conditional use permit from the City. Mr. Scott answered yes.

Commissioner Russell asked what will happen to residents that have an accessory building that does not meet the requirements of the proposed ordinance, but wants to build an additional storage building that does meet the requirements of the ordinance; the two buildings would not match one another. Mr. Scott stated each case could be considered individually by the Planning Commission. Chairman Thomas noted that each accessory building in the City does not require a conditional use permit; rather, only accessory buildings totaling more than 80 percent of the size of the home on the property would require a conditional use permit. He stated he would like for the ordinance to focus on accessory building size in proportion to a lot size. He then reviewed the history of the development of ordinances regulating to accessory buildings.

Commissioner Mason asked if the proposed ordinance, once adopted, will affect existing structures. Mr. Scott stated it will only affect existing structures if the property owner wishes to alter the structure in some way; for the most part, the ordinance would only affect new structures.

Mr. Scott then continued his review of the proposed ordinance relative to portable storage containers. The Planning Commission then engaged in discussion and debate of the provisions relative to use of portable storage containers in commercial applications, with the Planning Commission ultimately concluding to amend the proposed ordinance to allow storage containers

for commercial businesses, such as fireworks vendors that typically locate in larger business parking lots during summer months. Commissioner Mason noted he has some concerns about having different standards for businesses and residences; some residents owning businesses and homes in the City may opt to locate a storage container at their residence rather than their business due to less restrictions and that will only shift the problems associated with the containers to neighborhoods. Commissioner Knight stated he does not feel that will be the case and he noted he feels the proposed ordinance is well written.

Mr. Scott concluded the next step in the process is for the Planning Commission to direct City staff to schedule a public hearing for consideration of the ordinance.

Lamar Taylor, 500 E. 1700 N., stated he feels the proposed ordinance will ‘open a can of worms’. He noted the provisions relating to accessory storage sheds will impact him and all ranchers and horse owners in the City; many of the ordinances put in place in North Ogden over the past 15 years have attacked that demographic of the community – so much so that residents have been forced to fight for the right to keep animals on their property. He stated he had to fight to keep more than one horse on his lot, which is one acre in size. He added an ordinance was also enacted requiring a cement pad be poured for every trailer on a property. He stated ranchers cannot meet that requirement because they own too many trailers to maintain their operation. He stated he feels he is constantly being hit by another ordinance in the City that will negatively impact him. He noted that all of his stables for his horses are made of metal and he wondered how staff could have arrived at a proposal that would exclude galvanized surfaces or other materials not originally designed as exterior or roof finish materials. He stated his buildings look just fine. He noted it seems that some in North Ogden are trying to change the City into something like Riverdale; he moved to North Ogden for variety and a beautiful community. He noted there are beautiful ranchettes located all along 1700 North and 2100 North, but the City is being turned into an asphalt and cement jungle and some are trying to push every animal out of North Ogden. He stated he owns two homes in North Ogden and at his second home he has a barn that is much bigger than the ranch home that was built in 1927; he uses the barn to store hay for his horses throughout the winter and the City does not seem to understand the lifestyle of ranchers and the things they must do to function and provide for their animals. He wondered why the City is moving toward more stringent ordinances when there is already in place an accessory structure ordinance that is functioning fine, especially related to allowed building materials. He then referenced storage containers and noted that when storage containers are taken off a truck and placed on the ground, they become a building just like any other building; it has a painted on, baked on surface and it will not rust or become shabby looking as long as it is maintained just like any other building. He stated he does not understand the negative feelings about storage containers and noted that most storage containers look better than other storage sheds in the community. He stated he hopes the Planning Commission will carefully consider the ordinances they put in place and the impact those ordinances will have on existing residents. He stated that if additional ordinances are adopted to further convert North Ogden to a bedroom community, he will be forced to consider moving out of the City.

Commissioner Knight asked Mr. Scott if it would be feasible to provide different regulations for agricultural properties in the community. Mr. Scott stated he can examine that option. Chairman Thomas stated he would like staff to investigate options for amending the ordinance as most of

the concerns related to accessory buildings or storage containers have been for smaller residential, non-agricultural lots. He added that storage containers are used in modern design styles and he does not see the reason that some properties should be allowed to incorporate storage containers into the use of their property. Commissioner Knight agreed and noted that it will be impossible to please everyone in the community. He stated if there are ranchers that want to stay in the community, he is willing to try to accommodate them. Commissioner Russell agreed and stated Mr. Taylor has presented a good argument, but the Planning Commission is charged with representing and considering what is appropriate and best for the entire community.

Mr. Scott pointed out the City does not have traditional agricultural zoning land use designations. Mr. Taylor stated there are over 300 ranchers in North Ogden. Mr. Scott stated he does not disagree with the agricultural use, but the City ordinances do not truly support that use because there are no agricultural land use designations. Mr. Taylor inquired as to how ranches can exist without agricultural zones. Chairman Thomas noted agricultural uses are permitted in certain zones, but there is not a specific agricultural zone in the City. Mr. Taylor stated that means that the City does not really want agricultural properties in the City. Chairman Thomas stated that is not correct and reiterated that agricultural uses are allowed in the City. After a short general discussion, the Planning Commission indicated they would be supportive of making allowances for agricultural properties in the City relative to accessory buildings or storage containers.

Chairman Thomas inquired as to the driving factor behind the proposed ordinance. Mr. Scott noted the City Council received a letter from a citizen concerned about the appearance of some storage sheds and the use of storage containers on residential properties and the City Council instructed him to work with the Planning Commission to address the issue. Chairman Thomas stated it may be appropriate to simply consider the provisions relating to storage containers on smaller residential properties. Vice-Chairman Waite agreed.

Mr. Scott stated he will take the feedback of the Planning Commission into consideration and conduct additional research regarding agricultural accessory building regulations prior to scheduling a public hearing.

Mike Storey, 556 E. 2900 N., stated that he has a semi-trailer stored on his farm and the reason it is there is that when the City extended 2850 North it was necessary to demolish his barn and he decided to use a semi-trailer to store his apple boxes. He wondered if his trailer will be outlawed if the proposed ordinance is adopted. Commissioner Russell asked Mr. Storey how many acres he has, to which Mr. Storey answered eight until Monroe Boulevard is extended. He added that he has a barn that is roofed with corrugated metal. There was a brief discussion regarding the attractiveness of corrugated metal buildings, with Vice-Chairman Waite noting that in certain residential neighborhoods a corrugated metal building may be unsightly.

Diane Childs, 2687 N. 200 E., stated that her property is the reason that this entire issue was raised. She stated she lives on an acre of property and she has a barn, storage container, and a semi-trailer with the wheels removed. She stated she keeps the weeds down in the summer months. She stated the items are located on the back of her property and she does not know why it bothers other people. Chairman Thomas thanked Ms. Childs for her comments and noted that it may be more appropriate for the ordinance to be geared towards the use of storage containers

or semi-trailers on smaller properties. Commissioner Russell inquired as to what the containers are used for. Ms. Childs stated she has a friend with a rental business and he stores many of his items there because he has nowhere else to put them.

Shane Hancock stated he lives in Harrisville, but he is speaking for his mother, Shelly Hancock, who was not able to attend tonight's meeting. He stated that he understands the need for agricultural buildings and storage accommodations, but the main issue is unsightliness of such buildings and what is acceptable. He stated that to one person a shipping container may not be unsightly, but he feels the shipping containers create the appearance of an industrial area; shipping containers were created for industrial and transportation uses and when an industrial object is placed in a residential area it could be considered unsightly to many residents.

Skyler Rands, 2695 N. 200 E., stated he lives directly north of Diane Childs and her storage containers do not bother him. He stated he has lived in other countries and cities and he has learned a few things in dealing with municipalities. He stated that North Ogden still offers some flexibility to its residents, while other cities are mandating many aspects of the use of their residents' property, even down to the color of roof they can put on their home. He stated people cannot pick their neighbors and they cannot dictate what their neighbors do with their properties. He agreed, however, that people should use their properties reasonably, but he hopes that North Ogden does not get to the point of mandating building materials and colors.

Mr. Hancock re-approached and noted that he is not concerned about the color of the storage containers; he reiterated he and his mother are concerned about the design and intended use of storage containers and whether they are appropriate in residential neighborhoods. He stated semi-trailers are built for transportation uses. Mr. Taylor stated that is not true and indicated they are built for storage. Mr. Hancock disagreed and stated that it is his personal opinion that storage containers are designed for an industrial use and he is not sure the size of a residential lot matters when considering whether they should be allowed.

Mr. Taylor re-approached and noted all citizens rely upon the Planning Commission to pass laws that the entire City can live with. He reiterated he hopes the Planning Commission will carefully consider any proposed legislation and reminded the body that this is America and he cautioned them against adopting so many regulations that America is no longer recognizable.

Ms. Childs re-approached and suggested that existing uses be grandfathered and that the proposed ordinance only apply to new uses moving forward. Commissioner Prisbrey stated that is a reasonable request, specifically related to allowed building materials.

Commissioner Knight stated it is his personal belief the more government grows and regulates, the weaker the people become and are no longer able to think for themselves.

Chairman Thomas thanked everyone for their input and asked that staff take into consideration all the comments that have been made when proceeding with amendments to the proposed ordinance.

5. PUBLIC COMMENTS

There were no public comments.

6. PLANNING COMMISSION/STAFF COMMENTS

Mr. Scott noted that the City has a situation at 1800 North and Fruitland Drive where developers are trying to design a development while taking into consideration the City's ordinance that prohibits back facing lots. The design in this area is difficult, but the developer would like to meet with the Planning Commission during their next meeting to discuss their ideas. He stated staff has looked at the design and has not determined what recommendation they will make to the Planning Commission.

Mr. Scott then reported on the recent actions taken by the City Council relative to home occupations, concluding they ultimately wish to prohibit garage based businesses in residential areas. The Planning Commission discussed the City Council's intent, with some members expressing their concerns regarding the Council's decision.

Mr. Scott then provided the Planning Commission with an update regarding the process to update the City's General Plan.

City Attorney Call stated that during a recent meeting multiple Planning Commissioners abstained from voting on a somewhat contentious issue on the agenda. He stated he feels it is his duty to inform the Planning Commission that it is only necessary to abstain from voting if there is a conflict of interest because the person abstaining stands to benefit financially. The Planning Commission and staff then had a general discussion regarding the difference between acting in an administrative manner or acting in a judicial manner; Mr. Call stated when the Planning Commission is acting in an administrative manner it is appropriate to take information from outside sources. Mr. Scott agreed and noted that he is open to the Planning Commission soliciting outside information or additional information from staff to try to dispel the ever present rumors regarding secrecy in government. Mr. Call stated one thing that would be most helpful to the entire Planning Commission would be to invite anyone providing information about any agenda item to come to an actual meeting and express their opinions openly or to provide the information to staff. Mr. Scott agreed and noted that if a Planning Commission has engaged in ex parte communications it is helpful for them to disclose that information at the beginning of a meeting.

The Commission refocused on the City Council's decision relative to garage based businesses and Mr. Call noted individual Planning Commissioners have the right to attend the Council meeting during which the body will take final action on the proposed ordinance and express their feelings about the direction the ordinance has taken. Mr. Scott agreed, but noted one Planning Commissioner should not give the impression they are representing the entire Planning Commission unless the Planning Commission as a group has supported such a statement. Mr. Call noted that Craig Call, former State Property Rights Ombudsman, will attend a future Planning Commission meeting to provide additional training to the body regarding this subject.

7. ADJOURNMENT

Commissioner Russell made a motion to adjourn the meeting. Commissioner Prisbrey 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 8:48pm.

Planning Commission Chair

Stacie Cain,
Deputy City Recorder

Date approved