NORTH OGDEN CITY

SETTLED 1851

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NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

February 15, 2017

The North Ogden Planning Commission convened in a regular meeting on February 1, 2017 at 6:30 p.m. 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 February 10th, 2017. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

COMMISSIONERS:

Don Waite	Chairman
Eric Thomas	Vice-Chairman
Brandon Mason	Commissioner
Steven Prisbrey	Commissioner
Nicole Nancarrow	Commissioner
Blake Cevering	Commissioner
Scott Barker	(Excused)

STAFF:

Jon Call	City Attorney
Rob Scott	City Planner
Brandon Bell	Planner 1
Monalisa Wald	Planning Assistant
Gary Kerr	Building Official
Matt Hartvigsen	City Engineer (Jones & Associates)

VISITORS:

Jeff Fullmer	Jennifer VanBuren	Steve Grange	Bill Luck
Karen Luck	David Clark	Valerie Clark	Lori Rees
Matthew Nelson	LeAnn Jensen	Carolee Barker	Rich Bjerke
Andy Hubbard	Julia Shochat	David Haddock	Kevin Barker
Brent Barker	Mike Alvord		

REGULAR MEETING

Chairman Waite called the meeting to order at 6:32 p.m. Vice-Chairman Thomas offered the invocation and Commissioner Prisbrey led the audience in the Pledge of Allegiance.

1. ROLL CALL

Chairman Waite conducted roll call and indicated Commissioner Barker has been excused from the meeting.

2. MINUTES APPROVAL

Chairman Waite referenced an email sent between all Planning Commissioners regarding recommended corrections and amendments to the minutes of February 1 meeting.

Commissioner Mason noted, for the record, the recommended amendments to the section of the minutes citing the motion made to approve Ward Farms Phase 2:

- Approval ranted subject to the conditions listed in the January 20, 2017 Engineers Report.
- Amend motion to include requirement for a 10 foot easement on the yard drainage irrigation line, which runs along the back of lots 202-208.
- Require a 15-foot paved asphalt service drive on parcel A with a concrete drive approach.
- Addresses added to the plat.

Commissioner Mason made a motion to approve the minutes of the February 1, 2017 meeting as amended. Commissioner Nancarrow seconded the motion.

Voting on the motion:

Commissioner Cevering	**yes**
Commissioner Mason	**yes**
Chairman Waite	**yes**
Chairman Thomas	**yes**
Commissioner Nancarrow	**yes**
Commissioner Prisbrey	**yes**

The motion carried.

3. OPENING MEETING STATEMENT

City Planner Scott read the open meeting statement as approved by the Planning Commission prior to commencing discussion of administrative and legislative items.

4. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE

Chairman Waite asked if any member needs to declare a conflict of interest or disclose any ex parte communications in which they have engaged. Commissioner Prisbrey indicated he will recuse from participating in discussion and action on item 6A because the company that he is employed by has a connection to the project.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

6. ADMINISTRATIVE ITEMS:

A. SUB 2016-18 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR FINAL APPROVAL FOR THE CANYON VISTA SUBDIVISION, LOCATED AT APPROXIMATELY 2750 NORTH 1275 EAST

A staff report 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 a limited degree of 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 final approval of the Canyon Vista Subdivision, 2nd amendment. The applicant is requesting to realign and pipe a portion of the existing Ogden Hole – North Ogden Canyon drainage.

The proposal is to move the drainage channel in lots 49 and 50 to the rear of those lots to provide for a larger building envelope; the channel will remain open. A thirty foot access easement is part of the design to allow city crews maintenance access.

The channel will remain open until it crosses lots 45, 46, and 47 where it will be piped and connected to the detention basin on Parcel A.

Normally this application would be considered a minor subdivision review, however, because of the interest from adjoining property owners in the future of this channel as part of the original subdivision it was deemed appropriate to bring this amendment before the Planning Commission.

The applicant sent a letter to the adjoining property owners on January 30, 2017. Staff has fielded several phone calls and explained the request.

The City Engineer has submitted a report dated February 9, 2017. A copy of the Order of the State Engineer dated January 10, 2017 is attached.

The memo offered the following summary of potential Planning Commission considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?

The proposed subdivision amendment meets the requirements of the 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 low density residential. The R-1-10 zone is part of this designation.

Recommended conditions of approval include:

- Meeting the requirements of the North Ogden City Engineer's Report.
- Meeting the requirements listed in this Staff Report.

The memo concluded staff recommends final approval of the Canyon Vista Subdivision, 2nd Amendment subject to the requirements of the City Engineer's report and Staff report.

Mr. Scott reviewed his staff report. He noted that he received an email from the applicant this afternoon indicating their desire to withdraw their request relative to the alteration of the drainage channel on the subject property, which will result in no changes to lots 48, 49, and 50 on the plat. The ditch would be piped through three lots on the west side of the development.

Andy Hubbard, Great Basin Engineer, representing the applicant reviewed the plat to adequately illustrate the changes that would take place as a result of the applicant's withdrawal of their request relative to the drainage channel as it relates to lots 48, 49, and 50. He stated that the ditch would be piped through three lots, 45, 46, and 47, to the west as originally proposed. Planning Commission discussion centered on the difference between the two irrigation piping options with a focus on the aesthetics of both options, with Mr. Hubbard noting the updated proposal offers the applicant more and better buildable area while allowing access to the lots over a piped irrigation channel rather than an open ditch. Vice Chairman Thomas indicated the Planning Commission has discussed the subject property and the irrigation ditch in the past with debate about three options for addressing the channel; one was to reroute the ditch and locate it along the back of property lines at the back of the development, another was to leave it as it currently is, and the third was to pipe it down 2675 North through the subdivision. Some neighbors wanted the irrigation ditch left alone and that was the decision that was made and this proposal will change that decision for three lots in the development. Mr. Hubbard noted the original developer of the project has sold the lots and the new owner is requesting the change.

Commissioner Nancarrow referenced lots 49 and 50 (11 and 12) and asked if the irrigation will be left as it currently configured today and if that is what was originally

approved. Vice Chairman Thomas stated that the irrigation will be left as it currently is, which is what was previously approved.

Chairman Waite opened the public hearing at 6:52 p.m.

Matthew Nelson, 3213 N. 750 W., Pleasant View, stated he is the prospective buyer of lot 12 in the subdivision; the builder has accepted his offer to purchase and what drew him to the lot was the setting with the trees and the waterway running through the lot. After having spoken with a few of the residents in the neighborhood, he would like to keep the waterway as it is and for as many of the trees to be maintained as possible. He will buy the lot and build his home with minimal changes to his surroundings; the purchase contract is contingent upon the builder not making changes to the waterway. He stated he has no direct control over what the developer will do, but they have agreed to maintain the waterway in its current condition according to his contract.

Jeff Fullmer, 1136 E. 2650 N., stated he lives on the west side of the subject property backing up to the detention pond and he also purchased his property because of the stream that flows through the area and attracts wildlife. He stated that he understands that change is inevitable, but he has significant concerns about rerouting the waterway as discussed. Years ago the stream was 18 to 24 inches wide and was very shallow, but it is now much wider and has heavy water flow during the spring months; in three different years the water has flowed outside the banks of the stream and reached his curb. He stated that an existing 36 inch pipe under the cul-de-sac must be cleaned sometimes multiple times per day because of debris and the water flow sometimes rises all the way to the top of the concrete at the end of the pipe. He stated that he is concerned that a 24 inch pipe will not be adequate for future piping of the ditch; it will fail and will overflow or backup into open ditch in the area. He stated there has been increased erosion of the stream bed due to an increase in water flow and the drain from the detention pond is at a 45 degree angle into his property; during an earlier storm the water flow from the detention pond was significant and the water came into his side of the embankment causing additional erosion. That problem will only escalate with additional concrete, asphalt, and development; he suspects there will be erosion problems on his property and he would request that steps be taken to prevent that from happening or that the ditch be piped from the detention all the way to the cul-de-sac and be backfilled. He stated that other neighbors in the area are concerned about the water flow and they will be addressing the Planning Commission this evening. He then noted that eight or nine years ago he installed large river rock in the ditch and that was a heavy flow year; all the rocks were washed to the drainage grate and the City had to use a backhoe to clear them. He stated that should give the Planning Commission an idea of the velocity and flow of the water in the ditch. He concluded his other question relates to the whether the water routing plans will cause a mosquito problem for the area; it appears that some water could be sitting stagnant and left to evaporation and he would like to know if that has been considered and will be addressed.

Commissioner Prisbrey asked Mr. Fullmer if he is on the downside of the detention basin, to which Mr. Fullmer answered yes; the basin drains midway down his lot at a 45 degree angle.

Lynn Call, 1152 E. 2650 N., stated he lives adjacent to Mr. Fullmer and he agrees with his concerns about the water. He asked why the water is being piped into the pond. He is concerned about the amount of water coming into the ditch and ultimately into the pond; the pipe that is coming from the pond into the ditch is not able to take care of the water. He stated that he lives in the 'low part' of the area and he has had to use sandbags in the past to keep water in the ditch. He would not have needed to sandbag, but the water has come within inches of his property. He stated that he and his wife were also drawn to the area because of the aesthetics of the waterway; he has placed rocks and other things to create attractive features in the waterway for his property and he is aware there are engineering reasons for the water to go into the pond and the ditch. He is anxious to hear more about plans to pipe the ditch and some engineering adjustments will be needed to protect his property as well as Mr. Fullmer's property.

Chairman Waite asked Mr. Call about the improvements done to the ditch and he asked if those improvements are located on his property. Mr. Call stated that he previously shared the property with the previous owner, Dr. Christiansen, who owned the north side of the ditch and Mr. Call owned the south side of the ditch. He stated that some of the aesthetic improvements are now located on property owned by Visionary Homes and he has spoken with them since he heard they were purchasing the property to make them aware of the issues with the shared property line.

David Clark, 2670 N. 1125 E., reiterated the comments made by Mr. Fullmer regarding standing water in the pond due to the bottom of the pond being several inches below the lip of the spillway, which could create a mosquito breeding ground. He added the City maintains the public walkway on the north side of the stream beds and if that is buried or eliminated by this proposed development, he wondered if the public access will be maintained and if people will be allowed to walk along the side of the stream or if they will be forced to walk through the basin. He stated there are many unknown factors about water flow through the infrastructure that connects to the detention basin and the impact that excessive runoff would have on existing homes and any that may be built in the development.

Brent Barker, 2673 N. 1125 E., stated he agrees with most of what has been said, but added that the pond was designed to catch runoff and not an entire river that runs off the mountain. The way the pond is set up, for at least 2 months the water will soak into the ground. His basement has not had water in it for 14 years, but he is pretty sure that the water will go into the old river bed and into his basement. He does not feel the 24 inch pipe is big enough to handle the amount of water, though he has felt that it would be nice to pipe the entire ditch on the south side of the property line with a 30 or 36 inch line. He stated he has also seen a lot of water coming out of the 36 inch concrete pipe into the cul-de-sac.

Chairman Waite stated the primary reason for the detention basin is to catch runoff from the subdivision that is being built; it has nothing to do with the stream flow even though it will be routed through there. Mr. Barker stated that he was comfortable with that arrangement in the past, but now there will be mountain water running down to the basin, soaking into an area the size of a quarter-acre lot, and then overflowing into the stream bed. That is a lot of water going into the ground in that area.

Commissioner Mason wondered if it would be prudent to give staff or the applicant the opportunity to respond to some of the questions that have been raised at this point in the public hearing. Vice Chairman Thomas stated that it is important for everyone to understand that the detention basin is part of the subdivision approval that has already taken place; if there are issues with the detention basin, such as setting of ground that is causing standing water, those are things the City needs to be made aware of so that they can be corrected during the warranty period. If there are erosion issues that could possibly be addressed with the use of a wall. He stated many of the issues that have been raised are not related to the item before the body for approval tonight. Before the Planning Commission this evening is consideration of piping the ditch at the front of the lots; the detention pond and associated infrastructure was part of the original subdivision approval and certain improvements can be made according to that previous approval. Currently the applicant is requesting to pipe the ditch along lots 5, 6, and 7 and locate the pipe at the front of the lots rather than the back of the lots, which seems more natural. He stated that he understands the concerns expressed this evening, but it may not be possible to address them in consideration of the application currently before the City. The Planning Commission cannot impose conditions upon the developer that are not related to his project.

David Clark re-approached and stated that he and his wife take their dogs hiking a lot and from what they have observed, the water flow coming down the stream bed is overflow from the City's wells. The water running near his home is clear water as opposed to muddy water, which is present after a storm. The City does contribute a lot to the water flow and he is unsure why water is being diverted from the wells and associated pipes.

Jeff Fullmer re-approached and responded to Vice Chair Thomas's comments regarding the fact that the basin was approved with a previous application, but things have changed since that basin was approved. He is present to talk about running the stream through the detention pond rather than leaving it the way it was originally approved.

Rick Bjerke, 1252 E. 2650 N., identified the location of his property and stated that he is confused about the action before the Planning Commission this evening; the applicant has requested the relocation of a drainage ditch, but it is not actually a drainage ditch and, instead, is a natural free flowing stream. He noted that at the east end where the stream runs between two homes, it meanders farther to the north and that is a change in the stream. He asked if that will be changed or if it will be left the same. Mr. Hubbard noted no changes will be made to the stream on the east side of the development.

Carolee Barker, 2673 N. 1125 E., agreed with Mr. Fullmer's comments; the detention basin was intended to handle runoff from the subdivision and had nothing to do with the stream. It concerns her to have additional water running into the basin. Additionally, there are several underground streams running through the area and she is unsure of the drainage that has been established to handle those streams. Previous owners have experienced basement flooding and other water issues and she wondered if some of the underground streams will be reactivated with more water settling in the detention basin. She wondered if existing drainage in the area will still be adequate or if residents will be dealing with flooding due to water being directed to where it has not been before. She stated that she is excited to have new neighbors, but she is concerned about how the water will be handled; if piping is being considered she would prefer that the entire length of the ditch be piped through the detention basin and that water be directed back into the creek to prevent additional settling.

Mr. Hubbard approached to address concerns raised; the main reason that piping has been routed into the detention pond is for pass-through in the bottom of the channel. If it is necessary to consider piping the channel through the pond to eliminate groundwater issues, that is something that he will consider and work with the City on. Relative to any issues associated with the current condition of the detention pond, he can work with the City and the contractor to address those issues as he was the person that originally designed it and he wants to make sure it is done right. He added the plat would be redrawn to reflect the changes requested on the western three lots of the subdivision.

Chairman Waite addressed the back of lots 45, 46, and 47 and stated there is quite a bit of natural vegetative growth in the area because the stream has been flowing there. He inquired as to the plans for that area. Mr. Hubbard stated that the developer has not discussed that issue with him, but it makes sense to leave as much of that vegetation in place as possible – especially mature trees. He indicated he can work with the developer to mitigate any disturbance of the vegetation associated with piping. Vice Chairman Thomas stated that he believes any person purchasing those lots would desire that the vegetation remain. He then asked if public access along the side of the ditch is maintained on the plat for the subdivision. Mr. Hubbard stated that the Northampton Estates Plat includes a 20-foot public access on the north side of the stream; the access is shown connecting to the subject property, but he has not found any record of that access being a vested right on the subject property. City Attorney Call stated there is an easement in the area and it is his recollection that there were plans to continue the easement through the detention basin property to connect with sidewalks running to 2750 North and ultimately connecting to the trail system. Any future trail connectivity plans are dependent upon development.

Commissioner Nancarrow referenced concerns expressed regarding the size of the drainage pipe to be used and asked Mr. Hubbard to address those concerns. Mr. Hubbard stated the pipe is sized based upon flow calculations provided by the City Engineer; the 24 inch pipe would handle the projected flow of 45 cubic feet per second plus additional flow, but a 36 inch pipe laid flatter may not handle the same amount of flow. Discussion centered on how the flow is calculated and City Engineer Hartvigsen stated that the flow

provided by Mr. Hubbard was based upon an old study and the more that he has considered the issue he does not believe that the number provided is accurate and that the flow is actually much higher. Flow rates in the channel have dramatically increased over the past six years, though he does not know the reason for that increase. He has talked with residents about the issue over the past week and he now believes that the flow could be as high as 80 cubic feet per second and a 36 inch pipe could handle that type of flow. He stated it may be necessary to consider the issue more carefully and account for the fact that development upstream will only continue to increase the flows in the channel. He stated he is aware that some residents have installed improvements along the channel and piping the channel may disturb or eliminate those improvements, but his main concern must be property damage associated with flooding.

Mr. Call inquired as to the size of the pipe that runs beneath 1325 East, to which Mr. Hartvigsen answered 36 inches and the flow has been within a few inches of completely filling that pipe in the past. He believes it would be necessary to use a 36 inch pipe through the development, but that may not address concerns about additional water being placed into the basin and impacting the ground water table in the area and impact nearby property.

David Clark re-approached and stated that there is an eight inch black pipe coming out of the basin and he wondered what the pipe is for. Mr. Hartvigsen stated he believes it is a Pineview Irrigation line; Pineview installed a pressurized irrigation system in the development and at the end of each year they drain the line and that pipe is used to drain the line. Mr. Clark stated that the black pipe is very close to the 36 inch line that would be routed into the basin.

Rick Bjerke re-approached and stated that the stream cuts directly through his property, where has lived for about 17 years. He has seen the stream nearly top the bank and he has had to use sandbags in the past to keep the water from flowing outside of the banks. His property is the lowest spot on the stream; the water level has dropped a lot over the past few days and it is constantly fluctuating. Most years there is no water in the stream during the summer, but last year there was water in the stream year round and he does not understand the reason for that. He then stated that the letter than residents received regarding this meeting was incredibly vague and he believes the City needs to be more specific when sending letters regarding certain projects. Chairman Waite stated it may be possible to refer recipients of any letters to the agenda for the Planning Commission meeting to gather more information.

Commissioner Nancarrow discussed the application before the Planning Commission tonight. She stated in the original proposal the drainage ditch ran around the basin and the basin was built just for drainage for the new subdivision; with the new proposal, the ditch would be piped into the basin and drain from there. It sounds as if the developer is willing to work with the City Engineer to see if it is necessary to pipe the ditch under the basin. She is unsure if the Planning Commission should be considering that this evening, but it should possibly be considered an option. Chairman Waite stated he believes the body could condition approval of the application upon requiring additional study of the water

flows to determine the size of pipe to use and how it should be routed. Mr. Scott stated he feels that would be an appropriate action to take and it appears as if the applicant is willing to work with the City to address these issues. Commissioner Mason indicated his discomfort with granting final approval of something that has not been designed appropriately. Mr. Scott stated that approval would be conditioned upon completion of additional study and that action would give the applicant assurance that the City Engineer will not make unreasonable recommendations of the applicant. Mr. Hartvigsen stated that one of his main concerns with the proposal relates to the channel behind the Fullmer and Call properties, behind lots 45 and 46; it enters lot 47 and turns diagonally through 46 to the back of the Call property. There is a portion of the channel on the Call property and a portion of the channel behind lot 45 would essentially be dry if it is piped. If a property owner has installed improvements on the channel has an expectation of water in the spring, this proposal will remove the water from the channel and pipe it into the basin, essentially bypassing the improvements installed by private property owners. He stated that a portion of the channel behind parcel A will also dry up as water will be routed to the basin. He stated that he has heard from Mr. Call that he likes the amenity of water in the channel, but he is unsure that Mr. Fullmer feels the same way. He stated that his concern about removing water from the channel is that will impact some existing residents that enjoy the presence of water. He stated he would like for residents to understand the impact that full piping of the channel would have on their property.

Vice Chairman Thomas asked if a drainage channel that straddles a property line can be relocated or piped. Mr. Call stated it is difficult to answer that question without seeing a survey of the property or personally walking it; on the plat it appears that the entire channel is located within the Canyon Vista subdivision, but that does not mean the property owners to the south have not done improvements. This may be an issue for the developer to work through with individual property owners. Vice Chairman Thomas stated that if a ditch is shared by two property owners, one property owner does not have the right to relocate the ditch and it may be necessary to determine if the channel straddles property line before a decision regarding relocation is made. Mr. Hartvigsen indicated the State of Utah has told the City they have jurisdiction over the stream and they must approve any changes to the stream; no person can change the stream without receiving approval from the State Engineer's office and the applicant has received approval for the recommended change. Another key element is that running the stream through the detention basin would require increased monitoring by City personnel to determine that the proper amount of water is flowing through the basin and the head gate.

Commissioner Nancarrow asked if the same flooding concerns would be present if the City chose to leave the channel unchanged. Mr. Hartvigsen stated that monitoring of the basin and the head gate is only necessary if the storm drain is ran through the basin; if the channel is left as it is, the City can simply set the head gate at the proper setting and leave it. Relative to storm water, drainage, and runoff there is a problem that he was not previously aware of and that relates to higher flows than have been understood as determined by old studies.

Commissioner Prisbrey inquired as to the benefit of the City associated with rerouting and piping the channel. Mr. Hartvigsen stated the main reason the developer is seeking approval of piping and rerouting the channel is that doing so makes the lots in his development more usable. As the channel currently exists, the developer would need to acquire a stream alteration permit to simply install driveways to the lots. The developer would not be allowed to pipe the channel into the basin without the City's permission. Commissioner Prisbrey asked Mr. Hartvigsen what he feels is best for the City. He stated it sounds as if piping the channel is good for future residents as well as some existing residents on the south side. He asked if it can be piped without routing it into the pond. Mr. Hartvigsen answered yes, but noted that to do so it will be necessary to modify the plan to take the pipe across the front of lots 45, 46, and 47 and at the east side of parcel A, run the pipe back to the ditch so that it bypasses the basin. This would require additional approvals from the State Engineer. He stated there is not sufficient room under the basin to run a pipe because the basin is as deep as it can be. It may be necessary to pipe around the basin and connect to the channel on the other side of the basin. There are many issues for the City and the applicant to consider relative to final decision of drainage infrastructure.

Mr. Scott stated that Mr. Hubbard has indicated that he would like for the Planning Commission to table the agenda item to give him and the applicant the opportunity to work with the City Engineer to address the issues raised this evening.

Commissioner Mason moved to table the item. Commissioner Nancarrow seconded the motion.

Vice Chairman Thomas suggested it may be appropriate to include in the motion, language citing the reasons for the tabling. He suggested that the motion cite the issues raised by Mr. Hartvigsen relating to pipe size, routing of pipe through the detention pond, or installing a concrete waterway in the bottom of the detention pond to carry the steady flow of water and preventing constant charging of the pond. Mr. Call stated that similar infrastructure has been installed at the detention pond on 2550 North. Vice Chairman Thomas stated that he would also suggest investigation of the actual location of the channel and whether it straddles a property line.

Chairman Waite asked if any member of the Planning Commission disagrees with the suggestions made by Vice Chairman Thomas; if no objections are stated the language will become part of the motion. Commissioner Nancarrow stated she is willing to consider other options besides running the flow through the basin; the original design called for piping the channel around the basin and she would still be open to considering that option. Chairman Waite stated he believes that is reflected in Vice Chairman Thomas's language and suggested that all comments be made part of the motion. He then called for a vote on the motion.

Voting on the motion: C

Commissioner Cevering	**yes**
Commissioner Mason	**yes**

Chairman Waite	**yes**
Chairman Thomas	**yes**
Commissioner Nancarrow	**yes**
Commissioner Prisbrey	**abstained**

The motion carried.

B. SUB 2016-15 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR FINAL APPROVAL OF THE SHUPE FARMS SUBDIVISION (16 LOTS), LOCATED AT APPROXIMATELY 246 EAST ELBERTA DRIVE

A staff memo from City Planner Bell explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has a limited degree of 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 final approval of the Shupe Farms subdivision, a 16 lot subdivision located at approximately 246 East Elberta Drive. Most of the property is currently vacant, with some residential use at the south end of the property. The property is located on 5.13 acres. All the property for the subdivision, except for most of Lot 9 and a small portion of Lot 8, is located in the R-1-8 (AG) zone. The portions of these two lots which are not located in the R-1-8 zone are located in the R-1-10 zone. The R-1-8 (AG) zone requires a minimum lot size of 8,000 square feet for interior lots and 9,000 square feet for corner lots, with a lot width requirement of 80 feet. The applicant for this subdivision has also submitted an application to have the portions of the two lots which are currently zoned R-1-10 rezoned to R-1-8 (AG).

A Technical Review Committee meeting was held on October 27, 2016, and this subdivision was granted preliminary approval at the January 4, 2017 Planning Commission meeting. The City Engineer has submitted a report dated February 3, 2017 that addresses the remaining engineering items to be resolved for this subdivision (See Exhibit C). The applicant has provided a will-serve letter for irrigation for this subdivision. The applicant has also provided a geotechnical report for this subdivision.

All lot sizes have been verified to meet the minimum lot sizes and square footage requirements as stated in 11-7B-4 (B). Also, the existing building on Lot 15 may be left if its location meets the zoning requirements.

Also, as a condition of approval, the detention area will need to be landscaped with grass, as determined by the Public Works Director. The Parks and Recreation Department does not have interest in using it as a pocket park due to its proximity to Lomond View City Park. Also, on a related note, there are no required trails that pass through the

subdivision. Additionally, Ryan Barker, Fire Marshall, has indicated that the fire hydrants are located and spaced correctly.

The applicant has worked with the owner of the parcel to the north of Lot 8 to add a lot to the subdivision (which is shown as Lot 9 on these plans) and ensure that this property is developed, rather than remain as a vacant remainder parcel. Staff Recommends final approval of this subdivision subject to most of Lot 9, and a portion of Lot 8 being rezoned to R-1-8 (AG).

One notable item in the Engineer's report is stated in note 24, which requires that a note be placed on the plat stating that the property for this subdivision has been identified as having a high liquefaction potential, and referring to the geotechnical report for further information. The outline for the language in that note is located in Note 24 in the Engineer's report. The City Engineer will determine the final language to be used.

The memo offered the following summary of potential Planning Commission considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan, assuming that the property on Lots 8 and 9 which are not currently zoned R-1-8 (AG) are rezoned to R-1-8 (AG). The General Plan map calls for this property to be developed as low density residential, but also shows it as a potential conservation area. The General Plan states that some areas should be "considered for preservation to retain the agricultural heritage of the City for future generations." Areas specified as those which should be considered for preservation are shown on the Future Land Use Map, in the General Plan. This development falls within one of the areas listed on that map.

Recommended conditions of approval include:

- Meeting the requirements of the North Ogden City Engineer's Report.
- Meeting the requirements of the TRC Meeting Letter (except as noted in this report.)
- Meeting the requirements listed in this Staff Report.
- Property on Lots 8 and 9 which are currently R-1-10 being rezoned to R-1-8 (AG)

The memo concluded staff recommends final approval of the Shupe Farms subdivision subject to the requirements of the City Engineer's report, Technical Review Committee Meeting Letter, this Staff Report, and subject to the property for Lot 8 and Lot 9 which are not currently zoned as R-1-8 (AG) being rezoned to R-1-8 (AG).

Mr. Bell reviewed his staff report.

Commissioner Mason asked if lot nine is the Lasseter property, to which Mr. Bell answered yes. Commissioner Mason indicated the Lasseter's addressed the Planning

Commission when preliminary approval of the development was being considered and expressed their desire that their property not be landlocked. He asked if access to their property will be through the adjacent development. Mr. Bell stated that a portion of a remainder parcel will be added to their lot, but he does not understand their concern about being landlocked; he reviewed the plat to identify the location of the Lasseter property and illustrated the fact that it will not be landlocked.

Commissioner Mason stated that he would have liked to see a trail along the north side of the nearby park, but no other Planning Commission expressed that same desire and he noticed that it is not included on the plat.

Mr. Bell concluded his review of his staff report and read the suggested conditions of approval of Planning staff and the City Engineer.

Chairman Waite stated this is the first time he recalls hearing concerns about liquefaction associated with the subject property. Mr. Bell stated that Mr. Hartvigsen included information about liquefaction in his report and he has simply asked that a note be added to the plat regarding the potential for liquefaction concerns associated with an earthquake event; Mr. Hartvigsen would draft the language to be included on the plat. He read the language from Mr. Hartvigsen's report regarding the issue and stated that staff finds that the proposed subdivision meets the requirements of North Ogden ordinances and can be approved subject to the conditions listed in the staff report.

Building Official Kerr stated that he does not believe he has assigned addresses for the subdivision and he will need an AutoCAD copy of the subdivision from the project engineer in order to proceed with assigning addresses to be recorded on the plat. Mr. Bell stated that could be listed as a condition of approval as well.

Chairman Waite asked the applicant if he is comfortable with the recommended conditions of approval, to which the applicant answered yes. He asked if any note recorded on the plat relating to liquefaction will have insurance implications for future property owners. Vice Chairman Thomas stated that the note should not indicate that property is in a flood plain so there should be no concerns related to flood insurance. Mr. Call stated that there may be an issue if a future property owner seeks to purchase earthquake insurance; the note may impact the rates that a property owner can secure for such insurance.

Mike Alvord, 735 W. 2400 S., Syracuse, suggested that the applicant check with mortgage companies about whether geographical areas are considered flood plains. Mr. Scott stated that the property is not in a flood plain.

Kevin Barker, 210 E. 3050 N., asked if the address of the subject property is 3050 N. 205 E. Vice Chairman Thomas stated that is supposedly the address for lot 9. Mr. Bell stated there is no exact address for that property because it is not an approved building lot; the address he used for the property associated with lot 9 came from the Weber County property records. Mr. Barker stated that it appears that the property is due west of his

property – according to the address – but that would be the north end of Lomond View Park. Vice Chairman Thomas stated that the property is directly behind the Lasseter property. Mr. Barker asked if Mr. Lasseter had an objection to the project. Mr. Call stated that Mr. Lasseter's attended a previous meeting to ensure that the project would not result in his property being landlocked. Commissioner Mason stated it would not be appropriate to classify the comments made as an objection to the project. Mr. Barker stated he asks because Mr. Lasseter's health is failing and that may have prevented him from attending this evening and voicing any concerns he has. Chairman Waite stated that arrangements have been made with Mr. Lasseter to address his concerns. Mr. Bell stated that is correct and Mr. Lasseter has signed the rezone application and has given his consent to the proposed project.

Commissioner Nancarrow made a motion to grant approval of application SUB 2016-15, administrative application for final approval of the Shupe Farms Subdivision (16 lots), located at approximately 246 East Elberta Drive, subject to the conditions listed in the staff report, the requirements of the Technical Review Committee, the City Engineer's report, subject to the property for lots 8 and 9 being rezoned to R-1-8(AG), subject to the City Engineer determining the appropriate language to indicate liquefaction concerns on the plat, and subject to addresses being added to the plat. Commissioner Mason seconded the motion.

Vice Chairman Thomas addressed Mr. Hartvigsen and stated that he wonders it if may be better to reference the geotechnical report on the plat rather than citing potential liquefaction. Commissioner Mason stated he feels both would accomplish the same result; anyone reading the plat that has a concern about the language will research it further. Mr. Bell stated that Mr. Hartvigsen's language makes brief note of a high liquefaction potential and indicates that further information is available in the geotechnical report. Vice Chairman Thomas stated that he simply wants the note to indicate that any concern of liquefaction comes from the geotechnical professional and that the City is not promoting that concern. Mr. Hartvigsen stated he is comfortable with the language of the motion.

Voting on the motion:

Commissioner Cevering	**yes**
Commissioner Mason	**yes**
Chairman Waite	**yes**
Chairman Thomas	**yes**
Commissioner Nancarrow	**yes**
Commissioner Prisbrey	**yes**

The motion carried.

7. LEGISLATIVE ITEMS

A. ZMA 2017-01 CONSIDERATION AND ACTION OF A LEGISLATIVE APPLICATION TO REZONE PROPERTY LOCATED AT APPROXIMATELY 3050 NORTH AND 205 EAST FROM SINGLE FAMILY RESIDENTIAL R-1-10 TO SINGLE FAMILY RESIDENTIAL R-1-8 (AG).

A staff report from City Planner Bell 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 applicant submitted an application for the Shupe Farms subdivision, for the property to the south of this property, which was granted preliminary approval in the January 4, 2017 Planning Commission meeting. Since that time the applicant for that subdivision has offered to purchase this property and has submitted an application for the rezone of the property in cooperation with the owner of the property, so that this property may be developed as a lot in the Shupe Farms subdivision. In order to bring this property into the same zone as the rest of the subdivision, the applicant would like to re-zone the property from Single Family Residential (R-1-10) to Single Family Residential (R-1-8(AG).
The General Plan map shows this area as Residential Low Density, but also identifies it as a potential conservation area. This rezone application is consistent with that designation.
The General Plan Zoning and Land Use Policy has the following applicable guidelines:

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.

  Staff Comment: The area proposed to be rezoned is surrounded by property that is single family residential, recreational, or vacant but zoned for and proposed to be single family residential. The proposed rezone is compatible with the existing uses in the surrounding area.

- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.

  Staff Comment: The adjacent property is zoned R-1-8 (AG) and R-1-10. This proposed rezone would adjust the boundary between the R-1-8 (AG) zone and the R-1-10 zone, essentially to include one extra lot in the R-1-8 (AG) zone.

- Where possible, properties which face each other, across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff Comment: The proposed zoning will make this lot consistent with property across the street and make this property a conforming lot.

- 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 proposed zoning is requested to be applied to Lot 9, as well as a portion of Lot 8, to bring those lots into conformity with this guideline.

Residential Guidelines:

- Avoid isolating neighborhoods.

Staff Comment: The proposed subdivision connects the low-density residential neighborhood in the area with similar development. This rezone and the related subdivision will have no isolating effect on the adjacent neighborhood.

- Require excellence in design.

Staff Comment: The proposed rezone allows a lot to be developed which would otherwise remain as a remainder parcel, which can be considered a significant improvement to the design of the subdivision.

The memo offered the following summary of 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 guidelines?

The memo concluded staff feels the Planning Commission can find that the proposed rezone from R-1-10 to R-1-8 (AG) is consistent with the General Plan and recommend adoption by the City Council.

Mr. Bell reviewed his staff report as well as a plat to identify the exact property to be rezoned.

Commissioner Prisbrey asked why a small sliver of property is being rezoned. Mr. Bell stated that all the property associated with what is proposed to be lot eight, except for the sliver property, is zoned R-1-8(AG) and the proposal is for the sliver property to be zoned R-1-8(AG) so that the entire lot is within the same zoning designation. Vice Chairman Thomas added that the sliver property is the portion being purchased from the Lasseter family. Mr. Call added that the addition of the property will square the lots.

Chairman Waite opened the Public Hearing at 8:29 p.m.

Steve Grange, 308 S. 2025 W., stated that the application will improve the configuration of the lots and he has met with other property owners in the area to ensure they are comfortable with the proposal.

Commissioner Mason moved to close the public hearing. Vice Chairman Thomas seconded the motion.

Voting on the motion:

Commissioner Cevering	**yes**
Commissioner Mason	**yes**
Chairman Waite	**yes**
Chairman Thomas	**yes**
Commissioner Nancarrow	**yes**
Commissioner Prisbrey	**yes**

The motion carried.

B. SUB 2017-01 CONSIDERATION AND ACTION ON AN ADMINISTRATIVE APPLICATION FOR FINAL APPROVAL FOR THE WARD FARMS SUBDIVISION, PHASE 2, LOCATED AT APPROXIMATELY 1900 NORTH 900 EAST

Vice Chairman Thomas made a motion to approve application SUB 2017-01, application for final approval for the Ward Farms Subdivision, Phase 2, located at approximately 1900 North 900 East. Commissioner Prisbrey seconded. All voted in favor.

Commissioner Mason asked that the motion indicate that the rezone will clean up lines and assign zoning to the property that is consistent with the rest of the development.

Voting on the motion:

Commissioner Cevering	**yes**
Commissioner Mason	**yes**
Chairman Waite	**yes**
Chairman Thomas	**yes**
Commissioner Nancarrow	**yes**
Commissioner Prisbrey	**yes**

The motion carried.

8. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

9. REMARKS FROM PLANNING COMMISSIONERS

Commissioner Mason referenced the popularity of pickleball courts in Pleasant View City.

Vice Chairman Thomas reported the City Council selected a contractor for the project to relocate the skate park to North Ogden Park and there are some components of the project that will be presented to the Planning Commission for approval or a recommendation. Vice Chairman Thomas stated that it would be beneficial for a member or two of the Planning Commission to be involved in the design build committee for the project. There was a brief discussion regarding the possible scope of work for the project.

Chairman Waite then offered Commissioner Cevering a few minutes to introduce himself to the Commission. Commissioner Cevering provided the group with information regarding his professional and personal background.

10 REPORT OF THE CITY PLANNER

Mr. Bell indicated he had nothing additional to report.

11. REMARKS FROM CITY ATTORNEY

City Attorney Call provided the Planning Commission with a report of the recent actions of the City Council. He also noted that conditional use permits requiring annual approval are now being handled by City Administration rather than being forwarded to the Planning Commission so long as there are no complaints associated with the land use for which the CUP was granted.

12. ADJOURNMENT

Vice Chairman Thomas moved to adjourn the meeting. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Commissioner Cevering	**yes**
Commissioner Mason	**yes**
Chairman Waite	**yes**
Chairman Thomas	**yes**
Commissioner Nancarrow	**yes**
Commissioner Prisbrey	**yes**

The motion carried.

The meeting adjourned at 8:37 p.m.

Don Waite

Planning Commission Chair

Monalisa Wald

Planning Assistant

3/1/17

Date approved