

# **NORTH OGDEN PLANNING COMMISSION**

## **MEETING MINUTES**

December 3, 2014

The North Ogden Planning Commission convened in a regular meeting on December 3, 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 November 25, 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
Joan Brown	Commissioner
Blake Knight	Commissioner
Steven Prisbrey	Commissioner
Dee Russell	Commissioner

### **STAFF:**

Robert O. Scott	City Planner
Jon Call	City Attorney
Stacie Cain	Community Dev. Coord./Deputy City Recorder

### **VISITORS:**

Julie Anderson	Dale Anderson	Lisa Child	Barbara Morris
Don Manley	Ann Barker	Mary Barker	Penny Dean
Christopher Dean	Lewis Barker	Gay Belle Barker	David Dixon
Dan Jessop	Ranae Jessop	Tiffany Turner	Paula Weloth
Rachel Trotter	Andy Lippert	LeeAnn Lippert	Karla Hawks
Blake Young	Lorrie Young	Justin Davis	

### **REGULAR MEETING**

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

**CONSENT AGENDA**

**1. CONSIDERATION TO APPROVE THE NOVEMBER 5, 2014 PLANNING COMMISSION MEETING MINUTES**

**Commissioner Brown made a motion to approve the minutes of the November 5, 2014 Planning Commission meeting. Vice-Chairman Waite seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Vice-Chairman Waite</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion passed.**

**ACTIVE AGENDA**

**1. PUBLIC COMMENTS.**

There were no public comments.

**2. PUBLIC HEARING TO RECEIVE COMMENTS TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 900 E 2700 N, FROM RESIDENTIAL RE-20 TO RESIDENTIAL R-1-8**

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, require compatibility with the general plan and existing codes. The Planning Commission conducted an initial hearing on November 19, 2014, but due to an incomplete notice of the public hearing, the hearing was continued to December 3, 2014. The applicant is requesting that the property located at approximately 2700 North and 900 East be rezoned from Suburban Estate RE-20 to Single Family Residential R-1-8. The rezone is in anticipation of submitting a subdivision application. The applicant's proposed subdivision is designed for lots ranging in size from 9,000 square feet to 21,000 square feet necessitating the rezone request. 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 proposed subdivision provides for defined edges with the easterly parcel which borders the R-1-8 zone Fawn Hollow and Deer Hollow subdivisions. The westerly parcel has an existing home; all properties along 850 East are developed with half acre minimum lots. The roadway design for this subdivision is going to be modified to connect to 850 East. This should provide a sufficient buffer to the existing 850 East 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 can be 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 proposed subdivision is in an area of transition. 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 provided 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 for evaluating zoning requests?; is the R-1-8 request appropriate for this neighborhood?

The memo concluded by offering a staff recommendation. 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; the Commission can find that the application is consistent with the North Ogden General Plan and recommend approval to the City Council. The proposed lots near 850 East should be designed to be similar in size to the current lots.

Mr. Scott reviewed his staff memo along with a concept drawing for the development.

Commissioner Knight clarified that the Council is only considering approval of the zoning of the property tonight and is not considering approval of the design of the project. Mr. Scott stated that is correct and noted if the rezone request is ultimately approved by the City Council the applicant would begin working through the subdivision review process.

**Commissioner Knight made a motion to open the public hearing at 6:40 p.m.  
Commissioner Prisbrey seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Vice-Chairman Waite</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion passed.**

Dale and Julie Anderson, 940 E. 2600 N., used the aid of a PowerPoint presentation to express their concerns regarding the proposed rezone, with a focus on the fact that the applicant is requesting a transition from RE-20 to R-1-8, which is considerably more dense. Mr. Anderson suggested the R-1-10 or R-1-12.5 zoning designations would be more appropriate as they are less dense than the R-1-8 zone. He stated his presentation will cover the following points:

- Homes that are adjacent to Proposed Subdivision.
- Why Designated Edge or buffer of Property should be tree line. Not Properties on 850 East.
- Agricultural use of land adjoining this Proposed Subdivision. Conflict with animals on north end of Anderson Property adjacent to Subdivision.
- Slope Issues on lots in this Subdivision.
- Storm Water Issues along Rice Creek.
- Sidewalks on 850 East.
- Traffic impact on 850 East.
- Effect of Additional Storm water on existing drains.
- Property values
- Legal Liability for City and Existing Homeowners.
- Example of Homes that will be built on 8,000 square foot lots.

The presentation included photographs of properties adjacent to the subject property and Mr. Anderson noted all the homes are located on lots one-third of an acre in size or larger. He focused on the buffer between the subject property and the adjacent properties, noting he feels that the buffer for this new subdivision should not be the homes on 850 East, but the tree line that is adjacent to Deer and Fawn Hollow. While the homes in Fawn and Deer Hollow may be zoned R-1-8 they are at least 10,000 square feet or larger. The homes that connect on the west, north and south are zoned R-20 and a good transitional zone using the tree line would be R-1-12.5.

This would still allow for smaller lots but would keep the integrity of the community. He stated he is interested in protecting his investment as are the other residents that will speak on this matter. He reviewed the plat maps of the adjacent existing subdivisions in the area and noted the lot sizes in those subdivisions are much larger than what is being proposed for the subject property. He also reviewed an aerial photograph of the subject property to identify the location of the gully and the natural barriers in the area. He added he has many agricultural uses on his property and he has open ground that will abut the new lots in the proposed subdivision. He then referenced the slope on the property and stated there is a 14 percent grade on three sides of the property; he wondered how the developer will mitigate run-off and earth sliding issues as well as how the water will be channeled to Rice Creek. He noted there are already two illegal storm drains in Rice Creek on the properties to the east and it is ironic that the family that owns the subject property and is requesting the rezone also installed the two illegal land drains. He added it is his understanding that the Mayor has been adamant that he does not want to allow any additional storm water into Rice Creek. He reviewed photographs of the current state of Rice Creek and identified garbage and debris that has been allowed into the creek by some of the property owners in the area. Ms. Anderson then continued review of the presentation. She noted the Planning Commission has the responsibility to the community to maintain the small-town feel that many residents have been talking about for many years. The way to maintain that feeling is through proper zoning for future development. She identified important points she feels the Planning Commission should consider as follows:

- Sidewalks: how are the kids going to walk to school as there are no sidewalks on 850 East for them to walk on. Who will be responsible for installing and paying for them to make sure that the kids are safe.
- Traffic. Have we done an analysis on how these additional homes will affect 850 East. Do not for one minute think that many of the new homeowners will use the road on the east side. That is quite a heavily used road right now.
- Property Values: as a city you should always be aware of the affect that you have on existing homes. If you build on 8,000 square foot lots you will not be able to put a home in that comes anywhere near the value of existing homes.
- Snow Removal
- Drinking Water
- Green Space
- Favors to Developers: There was a recent newspaper article where the Mayor placed an emphasis on the fact that the City should not be offering favors to developers.

She then reviewed the legal liability that the development could create for she and her husband as well as for the City:

Legal liability for Andersons

- Horses and Animals
- Children playing in her trees and barn
- Using her land as a pathway out to Barker Park
- Robbery and Damage to her property
- Loss of Wild Life.

Legal liability for City

- Not adequate sidewalks

- EPA problems
- The destruction of Rice Creek

She then reviewed a slide containing a plat and photographs of homes being built in Ogden on 8,000 square foot lots; the lots are so small that it is not possible for the homes to have attached garages; if the City approves the R-1-8 zoning designation there is nothing to stop the developer from subdividing in a manner that all lots on the property would be 8,000 square feet in size. She reviewed the final slide in her presentation that included photographs illustrating the current view from her property. She noted she wants to protect the wildlife in the area as they were here before she built her home. She stated she and her husband are interested in protecting their assets as are the other property owners in the area and she asked that the Planning Commission, at a minimum, consider the R-1-12.5 zoning to make sure the lot sizes in the proposed development are consistent with other existing development in the area.

Lewis Barker stated he lives on 850 East. He stated he feels that property owners should be able to do what they want with their property, but he also knows from personal experience that development can have a negative effect on existing residents. He stated he previously resided on five acres in Farr West and a subdivision was constructed adjacent to two sides of his property and he did not oppose it; construction began and he was asked to stop irrigating because the developer had not made any provisions for run off from adjacent properties. He stated that he made modifications to his property to route water into an existing ditch, but somehow water still got into the basements of the homes on the property and he was sued. He stated that the new residents also threw their grass clippings into his pasture and he lost three horses from colic. He stated he knows from personal experience the negative impact a new subdivision can have on existing homeowners. He stated he was forced to sell his property and he took a financial loss. He feels very strongly that the proposed rezone and subsequent subdivision could negatively impact him. He stated that currently there are no fences between all the properties in the area, but he is hopeful that if the subdivision is approved, the developer would be required to install an eight foot vinyl fence between the subject property and his property so that it is not done at his expense. He stated the developer should also be required to pay for the installation of sidewalks.

Tiffany Turner, 2673 N. 950 E., stated that her neighbor Cindy Jones could not attend the meeting and she asked that she read a letter into the record on her behalf; the letter read as follows:

“To whom it may concern:

As residents of North Ogden for the past 10 years, my husband and I are asking you to use careful consideration in rezoning the property located at approximately 900 E. 2700 N.

Like many of our neighbors, we decided to purchase a home in North Ogden because of the peaceful, pastoral element. We love residing in a community surrounded by farmlands, woodlands, and orchards, with easy access to parks and trails. We have also appreciated raising our girls in a quiet, safe neighborhood with plenty of breathing room.

North Ogden is one of the rare exceptions to the suburban sprawl that is slowly descending across our beautiful State, and this is what draws people to our City. We ask that you keep this in mind and heart as you consider planning for any future land development.

We are sad to lose the open field behind our home at 2600 N. 950 E., we understand that progress is inevitable. We request that in rezoning of the property at approximately 900 E. 2700 N., the City does not allow for lot sizes smaller than one-quarter acre. As the only access to this area is currently a dead-end road at 2675 N. 950 E., we also request that another access road is added on 850 E. to allow for increased traffic.

We believe the undeveloped open spaces are what makes North Ogden attractive, unique, and an ideal place to call home. We will support any movement to maximize our open spaces and keep this element in our City.

Sincerely,  
Cindy Jones”

Ms. Turner added Don and Natanya Jensen live at 2738 N. 850 E., and they are also concerned about property values in the area; they live on a large lot and they want to be assured that the lot sizes in the proposed development will not decrease the value of their property. She added another neighbor she spoke to was concerned about the covenants, conditions, and restrictions (CCRs) that will be recorded for the development and he would like to see something in writing before the rezone is approved. She concluded her own personal feelings about the proposal relate to the impact the development will have on the wildlife in the area. She indicated she spoke to the developer about that issue and he told her that the deer do not own the property. She stated that is true, but it is where the deer have lived for many years. She stated the developer told her the deer will just move to another property. She stated when she purchased her property it was her understanding she was required to keep 80 percent of the trees on her property because it was considered deer habitat. She added she is also concerned about the lack of sidewalks in the area to provide a way for kids to travel safely to and from school. She stated the City was involved in building a walking path for Majestic Elementary and it cost upwards of \$20,000; installing sidewalk on the length of 850 East will be much more expensive. She stated it is also important to provide other opportunities for ingress and egress to and from the subject property. She concluded that she feels the City should encourage the best use of the property and she feels the lot sizes included in the subdivision should reflect the existing development in the area.

Penny Dean, 889 E. 2750 N., reviewed the staff report for this item and referenced the section dealing with lot sizes on 850 E. She asked why staff did not take into consideration the lot sizes on 2750 N. as well when providing a recommendation to the City Council. She then stated the vision for the City references maintaining agricultural areas in the City as well as providing quality housing opportunities in the City that will be measured by design, maintenance, and presentation of community resources and open space. She stated the Planning Commission should consider that vision when considering this application and he noted that the existing property owners in the area have large lots and will be negatively impacted by the developer of several smaller lots adjacent to them; they will lose what they have enjoyed for many decades

because of the project the developer is requesting. She then commented on storm drains in the area and noted that due to the current design she experiences flooding when there is a large storm; the water also floods the field behind her home where development is proposed. She stated she is not sure how the City will contain the water and handle additional run-off. She stated she enjoys the City and loves where she lives and she does not want that drastically changed by the construction of 24 new homes behind her. She stated the creek is very deep in the area and that should be considered as well.

Ann Barker, 1018 E. 2700 N., stated that Fawn Hollow is in her backyard; she and many of the current residents bought their property because they like the Hollow and the open space it provides behind their property. She stated they also enjoy the wildlife in the area and the Hollow is part of the wildlife corridor running from Coldwater Creek. She stated she does not want small lots to compromise the integrity of the area. She noted she was told when she bought her home that she was limited in what she could do in the Hollow in order to protect the wildlife. She stated she is also concerned about drainage in the area as well and additional run-off that is not addressed will be very problematic.

Applicant Mitch Fielding, stated he is with Jack Fisher Homes, and noted there are a lot of concerns that were addressed during the last meeting. He clarified he is not planning on building townhomes on the property, the project will be a single family home project. He stated although he would be allowed to develop 8,000 square foot lots on the property if the zoning were approved, he had created a concept drawing for the project and the smallest lot size is 9,500 square feet with the majority of the lots being upwards of 10,000 square feet up to 16,000 square feet. He stated that it is not his intent to develop as many 8,000 square foot lots as possible; rather his intention is to create a quality subdivision with lots around 10,000 or 11,000 square feet. He stated he understands the concerns that have been raised during the public hearing and he emphasized that he is not trying to bully existing residents or build a project that will not be effective or efficient for the City; he feels the subdivision can enhance the City and it will be visually appealing and increase the tax base. He addressed the slope of the property and indicated that he is still in the preliminary phase of addressing the slope; there are many steps in the City's development process and all work to be done on the property will comply with City development standards and the requirements of the City Engineer. He stated he does not intend to destroy agricultural property in the area and he will do his best to keep as much of the subdivision as open as possible so deer will still be welcome and have access to the creek bed. He stated there are many other R-1-8 zoned properties in the area and he does not plan to do anything different than what has been done on those properties. He stated that a roadway will be added to the subdivision that is not currently included on the concept drawing and that will reduce the number of lots from 24 or 25 to 20 or 21. He stated he feels strongly that the area can accommodate an additional 21 residences and that everyone can work together to address the issues that have been raised. He stated that he is happy to work with the City to adequately address the snow removal issues. He noted it is his personal opinion that the City's subdivision process is adequate and the rezone application is simply the first step in the process.

David Dixon, 2729 N. 850 E., stated that as he has listened to the discussion tonight, the biggest issue is density. He stated subdivision development is costly and increased density helps a developer offset those costs. He stated he would rather have the R-1-12.5 or R-1-10 zoning for

the property simply because he would rather the minimum lot size be determined by the City than rely upon the developer's word that the smallest lots in an R-1-8 zone will be 9,000 or larger.

Carla Hawkes, 2730 N. 850 E., stated she is speaking for Denise Howe who lives at 2675 N. 850 E.; her biggest concern is the outlet on 850 E. because she owns 7.5 acres across the street and when she built her home she was required to provide frontage in the event that the property were ever developed and a road was needed. She stated the road from her property would be directly across the street from the road coming from the subject property and there will be a significant amount of congestion if that were to ever occur.

Justin Davis, 2645 N. 950 E., stated many of the concerns that have been raised this evening are legitimate and he would prefer that green belt property be preserved in the area. He stated when he bought his property it was in an area that he did not think would be developed; his property borders Dale Anderson's property. He stated he is concerned about the trees behind him; one house from him will be the back corner of one of the new lots. He stated he enjoys the trees, wildlife, and the views he has from his property and green belt preservation would help to protect those things. He stated that he also understands the concerns regarding the traffic increases that would be generated by the project and traffic has grown each time a new project has been built in the area. He stated he is also concerned about sidewalks and feels they are needed to provide children safe access to schools and other areas of the City. He added he does not feel it is the responsibility of the existing home owners to provide sidewalks or an easement or right-of-way for the needed sidewalks.

Dan Jessop, 956 E. 2675 N., stated he appreciates the things that have been said by the developer, but his suggestion is that before the rezone is approved, all issues, such as snow removal and lot sizes, be resolved with the City. He added that he shares the same sentiments as Ms. Turner relative to the deer habitat; the deer enjoy the property as their home and the community should be interested in preserving that. He stated he lived in Sandy for a time and development there has gotten out of control; North Ogden should figure out exactly what is going to happen on the property before the rezone is approved. He stated he never wants the City to be anything different than it was when he was a little boy. He loves the rural atmosphere and wants that maintained.

Fay Barker, 2720 N. 850 E., stated that her husband spoke earlier about the experience they had in Farr West when the property adjacent to theirs was developed. She noted when her husband was asked not to water his four acres of agriculture ground it was around the fourth of July; the developer had no consideration about what kind of disaster it could cause them to not water their pasture at that time of year. She stated she is also concerned about the lack of sidewalks in the area and she feels the cost and responsibility for building those sidewalks needs to be addressed before the rezone application is acted upon. She reiterated that she has had horses die from colic and she called the neighbors that could have potentially put the grass over her fence and she explained why the grass was dangerous for her horses, but just one week later she saw neighbors doing the same thing again. She stated that it is important to keep those things in mind for people that have horses on the property; they were there first and have the right to happiness and to keep their animals safe.

**Commissioner Prisbrey made a motion to close the public hearing at 7:41 p.m.  
Commissioner Brown seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Vice-Chairman Waite</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**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**

Commissioner Knight addressed Mr. Fielding and noted that given the fact that he has indicated that the smallest lot sizes will be closer to 9,000 or 9,500 square feet it may make more sense to rezone the property to R-1-12.5. Mr. Fielding stated he would prefer the R-1-8 zone in order to have the option to have a minimum lot size of 8,000 feet on a few of the lots in the subdivision if necessary. He added that 8,000 square feet is a large enough lot to build a sizeable quality home. He stated at the minimum he would request the R-1-10 zoning rather than the R-1-12.5. He noted Fawn Hollow and Deer Hollow are currently zoned R-1-8 as well. Commissioner Knight stated it is his personal opinion that the aesthetics of Fawn Hollow and Deer Hollow are different than the aesthetics associated with the subject property.

Commissioner Barker asked Mr. Fielding how many lots could potentially be 8,000 square feet in size. He stated he is concerned that the plans for the subdivision are not concrete enough at this point to give him enough information to make a decision. Mr. Fielding stated that he prepared the preliminary plan with the intention of discussing it in conjunction with the requested rezone. He stated that after the City and the residents expressed concern about the need for an additional roadway to serve the development he met with his civil engineer who has been working to amend the plan to include the roadway. He stated the road will eliminate at least one lot and potentially more. He noted that the rezone is based on the concept plan for the development, but he understands he will still need to follow the City's subdivision approval process.

Vice-Chairman Waite stated that he understands that Mr. Fielding does not want to complete any additional planning work and expend more money on the project until he knows if the rezone will be approved, but the Planning Commission is concerned about approving the rezone without specific information about the design of the project, specifically the number and size of the lots.

Commissioner Knight stated that he feels the Planning Commission has heard the voice of the residents during the public hearing and he feels the City should guide the application and recommend R-1-12.5 zoning for the property, especially given the proximity of the property to Rice Creek.

Chairman Thomas stated that he understands the need for flexibility in the size of lots when trying to accommodate the requirement to include an additional roadway in the development. He stated that the zoning is not going to affect the layout of the subdivision significantly and the Planning Commission must consider zoning of other properties in the area; the subdivision to the east is an R-1-8 subdivision, the property directly across the street on 2750 N. is R-1-8, and further to the west there is a subdivision that is R-1-8. He stated everything in the area that has been developed as of late is zoned R-1-8, though that does not necessarily mean the lot sizes in those developments are 8,000 square feet, but the zoning may have been approved to accommodate some of the design criteria. He stated he feels the Planning Commission also needs to offer some guidance to the property owner; he respects the private property rights of everyone and that also means the owner of the subject property has the right to sell his property and everyone that wants the property to remain open space has the right to buy that property and preserve it as open space. He stated the City must try to strike a balance and doing so can be a juggling act. He stated that rezoning and development issues can be very sensitive and the City must assist delicately.

Commissioner Russell stated that if the lots were being developed within the RE-20 zoning the Planning Commission would not be having this discussion. He stated that the shape of the property is somewhat challenging for subdivision or development and he understands the reason the R-1-8 zoning was requested. He noted he lives a half block from the subject property and it is an island with no sidewalks near it; sidewalks are a huge issue for the entire area, not just for the subject property. Chairman Thomas agreed and noted that the developer is not responsible to address the lack of sidewalks throughout the entire area; rather he would only be required to address sidewalks within the property he is actually developing. The Planning Commission had a general discussion about the condition of the areas surrounding the subject property, with a brief focus on sidewalks and storm water drainage.

Commissioner Knight stated that he feels it is more appropriate to provide a transition zone between the RE-20 and R-1-8 zoning and he feels the R-1-12.5 zoning is more appropriate for the subject property. Commissioner Prisbrey agreed and stated that though there is R-1-8 zoning in the area, it may not be appropriate to zone the subject property R-1-8.

Chairman Thomas asked City Attorney Call if there would be opportunity for the property owner to seek a variance to allow a smaller lot size within the R-1-12.5 zoning designation if such a smaller lot size were necessary to facilitate meaningful lot creation. Mr. Call stated that variances are typically only granted based upon existing conditions and he has not seen a situation where a variance has been granted to allow a smaller lot size in a subdivision with zoning dictating a specific minimum lot size. Chairman Thomas asked if the Planning Commission could recommend approval of a zone with conditions such as only permitting a certain number of lots to be smaller than a certain square footage with the remainder of the lots mirroring the minimum lot size allowed in the R-1-12.5 zone. Mr. Call stated a better way to

accomplish that outcome would be to use a development agreement that could be approved in conjunction with approval of the zoning application. General discussion regarding the purpose of a development agreement ensued, with Mr. Call noting that such agreements are a legally solid way for the City to accomplish its goals. Mr. Scott agreed and noted that any applicant for a rezone must understand that the standards attached to a zone are minimum standards and when there are other legitimate issues pertaining to the property a development agreement can be very helpful in identifying ways of addressing those specific issues. He led a discussion regarding specific requirements pertaining to Rice Creek or drainage issues in the development that could be included in a development agreement. He stated the Planning Commission may want to ask the applicant if he is willing to consider a development agreement, though such an agreement may require more work and expense on his part to provide a design for the subdivision that would meet the terms of the agreement prior to the zoning of the property being approved. He acknowledged that many good issues have been raised during the public hearing, but he is confident 90 percent of them will be addressed throughout the subdivision approval process; the City has a technical review committee that reviews all applications and they will make sure the issues are addressed and any application is compliant with the City's development standards.

Chairman Thomas addressed Mr. Fielding and asked his thoughts regarding potentially entering into a development agreement. Mr. Fielding stated he is open to the idea of a development agreement, but his understanding of such an agreement is that it would first be necessary to establish a baseline zone and he would be curious as to the baseline zone the Planning Commission would be comfortable with. He stated if the baseline zone is going to be R-1-10 or R-1-12.5 he would not be in favor of a development agreement; he would favor a baseline zone of R-1-8 with a development agreement to address the issues that have been discussed today. Chairman Thomas stated his biggest concern is choosing the option that will offer the developer and the City the most flexibility in accomplishing a quality development. He reiterated it may require more expense on the applicant's behalf relative to design of the subdivision prior to approval of the zoning of the property.

Commissioner Knight reiterated he feels the R-1-12.5 zoning would better protect the City and the residents and would not require Mr. Fielding to expend additional money on the design of the subdivision prior to zoning being approved. He noted the City Council must ultimately approve the zoning. Mr. Call noted the City Council can take action on the rezone at a public meeting, but no additional public hearing is required. Chairman Thomas noted the Planning Commission needs a decision from Mr. Fielding relative to how he would like to proceed with the application. He stated he feels the Planning Commission is not comfortable at this time recommending approval of the R-1-8 zone to the City Council.

Mr. Fielding asked if the Planning Commission would be open to approving the R-1-10 zoning rather than the R-1-12.5. Commissioner Knight stated he would not. Mr. Fielding inquired as to the benefit of agreeing to the R-1-8 zoning with a development agreement and wondered if the Planning Commission would be open to considering not imposing the restrictions of the R-1-12.5 zoning designation on all lots in the subdivision. Chairman Thomas stated that the development agreement would facilitate the subdivision of the property in a manner that is mainly compliant with the R-1-10 zoning or R-1-12.5 zoning, with the allowance for a minimal number of smaller lots if necessary. The Planning Commission had a brief discussion regarding the process that

would be undertaken to proceed with considering the zoning application in conjunction with a development agreement, after which Mr. Fielding noted he needs to talk to other parties before giving the Planning Commission a definitive decision this evening. Chairman Thomas stated that is fine and he encouraged Mr. Fielding to work with staff and inform them of how he chooses to proceed. He noted the item will be tabled until further action is necessary.

**4. DISCUSSION TO AMEND ORDINANCE 11-10, REGULATIONS APPLICABLE TO MORE THAN ONE ZONE TO CLARIFY SETBACK STANDARDS FOR LOTS THAT HAVE A SLOPE GREATER THAN 10%**

Mr. Scott reported provided the Planning Commission with an update regarding the progress staff has made on this item, noting that he would like to arrange a site visit with the Planning Commission to give them the opportunity to understand what a property with a slope greater than 10 percent actually looks like.

**5. PUBLIC COMMENTS**

Julie Anderson, 940 E. 2600 N., thanked the Planning Commission and the developer for being willing to work to address the issues with the property that were discussed tonight.

Tiffany Turner also thanked the Planning Commission. She referenced the previous discussion regarding a site visit to view properties with slopes and she encouraged Mr. Scott and the Planning Commission to take a site visit to the property that was subject to the rezone request to understand the concerns of those that spoke this evening. She asked that they focus on appropriate buffering and open space.

**6. PLANNING COMMISSION/STAFF COMMENTS**

Mr. Scott provided the Planning Commission with an update regarding the process to update the City's General Plan. He also reported the City Council is working to address the concerns expressed by the Planning Commission regarding the site plan for the Public Works facility project and there may be a need for a joint meeting in order for both bodies to understand one another. Chairman Thomas encouraged the entire Planning Commission to visit the property that will be home to the Public Works facility before any such meeting is scheduled.

**7. ADJOURNMENT**

**Commissioner Brown made a motion to adjourn the meeting. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Vice-Chairman Waite</b>	<b>yes</b>
<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion passed.**

The meeting adjourned at 8:23 p.m.

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Planning Commission Chair

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Stacie Cain,  
Community Dev. Coord./Deputy City Recorder

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Date approved

## Argument for why this new Subdivision should be Zoned as R-1-12.5 rather than R-1-8

- This presentation will show the following points
- Homes that are adjacent to Proposed Subdivision.
- Why Designated Edge or buffer of Property should be tree line. Not Properties on 850 East.
- Agricultural use of land adjoining this Proposed Subdivision. Conflict with animals on north end of Anderson Property adjacent to Subdivision.
- Slope Issues on lots in this Subdivision.
- Storm Water Issues along Rice Creek.
- Sidewalks on 850 East.
- Traffic impact on 850 East.
- Effect of Additional Storm water on existing drains
- Property values
- Legal Liability for City and Existing Homeowners.
- Example of Homes that will be built on 8,000 Sq Ft Lots

### Properties that are Adjacent to Proposed Subdivision

Photo of Lee Anderson Home Looking North East

View of Dee Anderson Home (Left) Jason Anderson Home (Right)

Jonathan Anderson Home Looking West toward Chambers Property (Lower portion of Anderson Home)

Open Pasture where Horses, Graze (Anderson Property)

### All these home have 1/3 acre lots or larger

Lee Muirbrook Home

Lewis Barker Home

Backyards on North Boundary

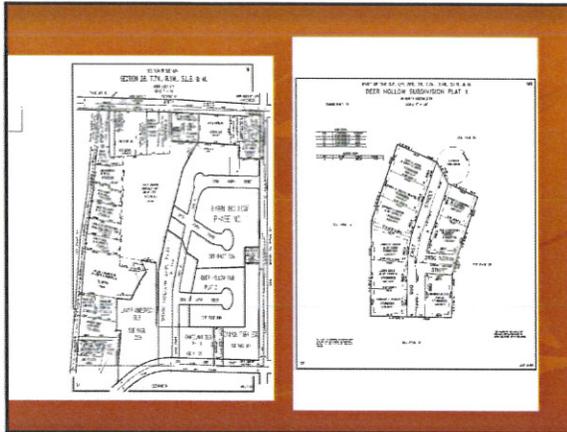
Manley's Backyard Will also be greatly Affected by this Subdivision

### Buffer for New Subdivisions should be Tree Line not 850 East.

We feel that the Buffer for this new Subdivision should not be the homes on 850 East, but the tree line that is adjacent to Deer and Fawn Hollow.

While the homes in Fawn and Deer Hollow may be zoned R-1-8 they are at least 10,000 Sq Ft or larger. The homes that connect on the West, North and South are at this time Zoned R-20 and so a good transitional zone using the Tree Line would be R-1-12.5. This would still allow for smaller lots but would keep the integrity of the community. I am not here to put money in the developers pocket I am here to protect my investment. As are all these people here.

12/31/2014

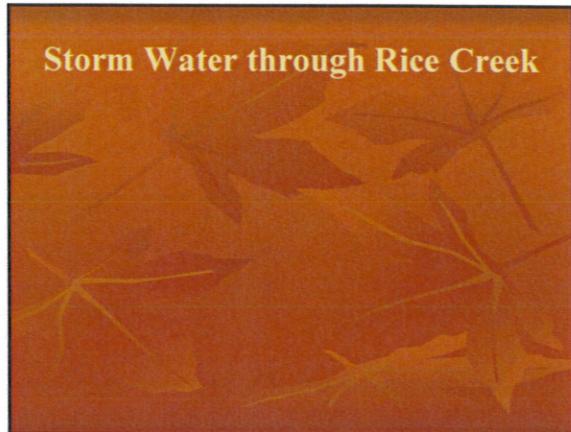
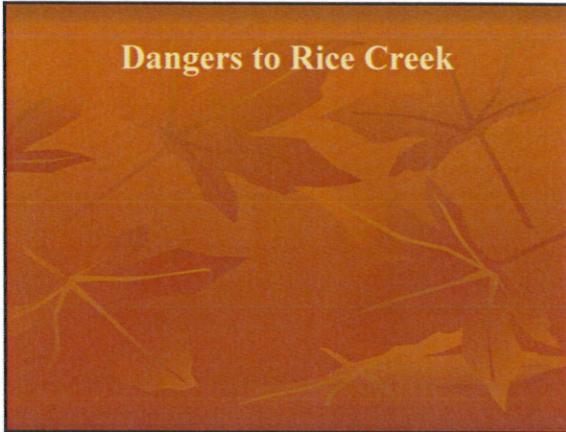


### Agricultural Use of Property to the South end of Proposed Subdivision

### Slope issue for Storm drain Water

1. How is the water going to be carried to existing storm drains.
2. Effect on Existing Drains. Can they handle it.
3. Where will run off water go. Which is good lead in to the next issue.

- ### Protecting Rice Creek
- There is already two illegal drains into Rice Creek
  - How will to handle the run off from lots that have a slope down into Rice Creek.
  - I.E Pesticides, Garbage and silt runoff from these lots.
  - How are you going to appease the EPA.



### Something you should think about.

**Sidewalks:** how the kids going to walk to school as there are no Sidewalks on 850 East for them to walk on. Who will be responsible for installing and paying for them to make sure that the kids are safe

**Traffic:** Have we done an analyst on how these additional homes will affect 850 East. Do not for one minute think that many of the new homeowners will use the road on the east side. That is quite a heavily used road right now.

**Property Values:** as a city you should always be aware of the affect that you have on people homes. If you build on 8,000 Sq Ft lots you will not be able to put an home in that comes anywhere near the Value of existing homes.

**Snow Removal: Drinking Water: Green Space: Favors to Developers**

### Homes that are built on 8,000 Sq Ft Lots





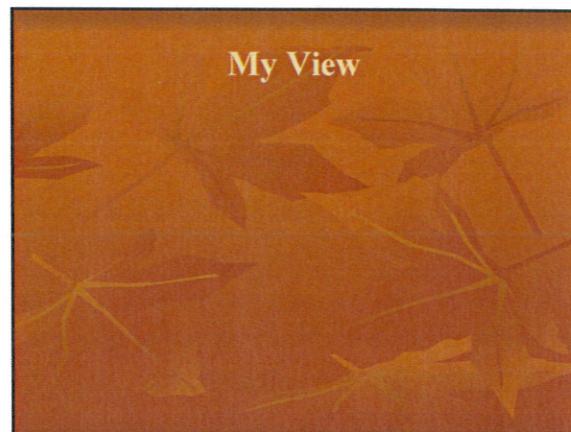

### Legal Liability

ANDERSON LEGAL LIABILITIES

- Horses and Animals
- Children playing in my trees and barn
- Using my land a pathway out to Barker Park
- Robbery and Damage to my property
- Lose of Wild Life

CITY LEGAL LIABILITY

- Not adequate sidewalks
- EPA problems
- The destruction of Rice Creek



Cliff and Cindy Jones  
2669 N. 950 E.  
North Ogden, Utah 84414

December 3<sup>rd</sup>, 2014

North Ogden City Planning Commission  
505 East 2600 North  
North Ogden, UT 84414

To Whom It May Concern,

As residents of North Ogden for the past 10 years, my husband and I are asking you to use careful consideration in rezoning of the property located at approximately 900 E. 2700 N.

Like many of our neighbors, we decided to purchase a home in North Ogden because of the peaceful, pastoral element. We love residing in a community surrounded by farmlands, woodlands and orchards, with easy access to parks and trails. We have also appreciated raising our girls in a quiet, safe neighborhood with plenty of breathing room.

North Ogden is one of the rare exceptions to the suburban sprawl that is slowly descending across our beautiful state, and this is what draws people to our city. We ask that you keep this in mind and heart as you consider planning for any future land development.

While we are sad to lose the open field behind our home at 2669 N. 950 E., we understand that progress is inevitable. We request that in the rezoning of the property at approximately 900 E. 2700 North, the city does not allow for lot sizes smaller than one quarter acre. As the only access to this area is currently a dead-end road at 2675 N. 950 E., we also request that another access road is added on 800 E. to allow for increased traffic.

We believe the undeveloped open spaces are what make North Ogden attractive, unique and an ideal place to call home. We will support any movement to maximize our open spaces and keep this element in our city.

Sincerely,



Cindy A. Jones  
801-941-6608  
[cindyanaj@comcast.net](mailto:cindyanaj@comcast.net)