

**SOUTH OGDEN CITY
PLANNING COMMISSION BRIEFING MEETING MINUTES**

**April 9, 2015
Council Chambers, City Hall
5:30 P.M.**

PLANNING COMMISSION MEMBERS PRESENT

Vice Chairman Mike Layton, Commissioners Shannon Sebahar, Steve Pruess, Raymond Rounds, Chris Hansen and Dax Gurr

STAFF PRESENT

City Planner Mark Vlastic and City Recorder Leesa Kapetanov

OTHERS PRESENT

Walt Bausman

The briefing session began at 5:37 p.m.

Vice Chair Mike Layton began the briefing meeting by welcoming everyone and explained that Chairman Heslop would not be present. Mr. Layton then reviewed the items on the agenda, beginning with the public hearing. He said it would be good to inform those at the public hearing that Areas 2, 5 and 6 had been removed from the Annexation Policy Plan and the public hearing would only be concerning Areas 1 and 3.

Commissioner Pruess then asked a question concerning the subdivision ordinance. City Planner Vlastic said staff was looking for direction on how in depth they should go with some of the changes to the Subdivision and PRUD sections of the ordinance. Staff could make simple changes to what the City already had, or create something very different.

Vice Chair Layton then discussed the conditional use application for Treeo. City Recorder Leesa Kapetanov said someone from Treeo would be present at the meeting to answer any questions the Commission had concerning the project. She also explained the conditional use permit had already been approved, but it had to come back for re-approval because they were requesting a change to the site plan. City Planner Vlastic said Treeo was requesting to add a carport over 22 of the existing parking spaces. The number of spaces would not change, they would simply now be covered rather than open. The building inspector as well as city engineer had both looked at the site plan and had no problems with the change.

Vice Chair Layton then moved to the special items section of the agenda. Planner Vlastic explained the City Council had recently removed the Public Works Standards from the Subdivision Ordinance and there was now a double reference to them. His first draft of the Subdivision Ordinance had removed any references to the Public Works Standards, as well as removed some very archaic language and requirements. He had also created a section that would clarify how amendments to subdivisions should be handled. Mr. Vlastic said he had added notes to the draft giving options to either copy parts of the Public Works documents and include them in the Subdivision Ordinance, or just make a reference to the Subdivision Ordinance. Commissioner Sebahar indicated she felt a reference, and where possible a hyperlink, should be put in the ordinance.

City Recorder Kapetanov pointed out some items that still needed to be corrected in the draft version of the Subdivision Ordinance, including the need for a Mylar copy of a plat and that 13 copies of drawings were not needed; just one digital copy that could be emailed to everyone. She also said another thing the commissioners may want to consider was adding the requirement of a

pre-design meeting with developers. Some cities had the requirement written into their code. Commissioner Sebahar said she did not feel it needed to be a requirement. She also felt the general intent section at the beginning of the Subdivision Ordinance should be changed. What one person felt was in the best interest of the City might not be what another thought; it was subject to opinion. Mr. Vlastic said the general plan would define what was in the best interest of the City. Ms. Sebahar said the phrase "as defined by the general plan" should be included in the general intent portion of the ordinance.

Vice Chair Layton then invited discussion on the PRUD portion of the ordinance. Planner Vlastic referred the commissioners to a priority list staff had prepared (see Attachment A) and said they would be working on each one in order; it was quite an aggressive list of things to accomplish. City Recorder Kapetanov reminded the commissioners that they were in charge; if they felt they needed more discussion or time to consider an item, they should make it happen.

Mr. Vlastic then began discussing the PRUD Ordinance. He had looked at several PRUD Ordinances from other cities and felt that Ogden's was more in line with what South Ogden wanted to do. It was, however, very extensive. He said Ogden's ordinance would take quite a bit of modification to make it work for South Ogden. It also required much more of staff's time for review, something that would need to be considered.

Vice Chair Layton asked if there was any more business that needed to be discussed, and seeing none, he concluded the briefing meeting.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Briefing Meeting held Thursday, April 9, 2015.


Leesa Kapetanov, City Recorder

May 14, 2015
Date Approved by the Planning Commission

Attachment A

Planning Commission Priorities

Planning Commission Priorities

- 1** Review permitted and conditional uses (Zones R-1 thru R-3) in Residential Zones to determine what is appropriate (10-7)
 - 2** Change names of zc zones
 - 3** Overhaul Code having to do with Residential Facility for Disabled Persons. (10-14-16)
 - 4** Amend Annexation Policy Plan
 - 5** Take notification requirements out of pc rules and procedures and put them in the code
 - 6** Subdivision Ordinance- Remove PW Standards, look at review procedures
 - 7** Overhaul PRUD Ordinance (Chapter 11)
 - 8** Overhaul of Conditional Use Chapter (Chapter 15)
 - 9** Overhaul Cluster Subdivision Ordinance (Chapter 12)
 - 10** Staff to look at and develop standards for residential uses zones (R-4 thru R-5)
 - 11** Identify maximums for churches, schools, museums, nursing homes, daycares, etc. and incorporate into zoning ord.
 - 12** Create new chapter on application processes (Look at cluster subdivision, PRUD, subdivision and cond use approval processes specifically)
 - 13** Amend General Plan Map and corresponding written parts/Adopt Bike Plan
 - 14** Water wise plan
 - 15** Bees
 - 16** Height limitations for cell towers
- Reminder: Adoption process for formed base zoning

**MINUTES OF THE
SOUTH OGDEN CITY PLANNING COMMISSION MEETING**

**Council Chambers, City Hall
Thursday, April 9, 2015 – 6:15 p.m.**

PLANNING COMMISSION MEMBERS PRESENT

Vice Chair Mike Layton, Commissioners Shannon Sebahar, Steve Pruess, Raymond Rounds, Chris Hansen and Dax Gurr

PLANNING COMMISSIONERS EXCUSED

Chairman Todd Heslop

STAFF PRESENT

City Planner Mark Vlastic and City Recorder Leesa Kapetanov

OTHERS PRESENT

Jerry Cottrell, Marla Mitchell, Jim Hyde, Angelo Mark, Robert Nye, Rod Siedel, Laretta Hill, Garth Beutler, Jerilyn Call, Walt Bausman, Wayne Decker, John Reeve, Ross Loevy

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES

The meeting began at 6:17 pm. Vice Chair Mike Layton welcomed everyone and explained he would be conducting that evening as Chairman Heslop was not able to attend the meeting. Mr. Layton then called for a motion to open the meeting

Commissioner Sebahar moved to open the meeting, with a second from Commissioner Pruess. Commissioners Rounds, Hansen, Sebahar, Pruess and Gurr all voted aye.

The Vice Chair said the first item on the agenda was the public hearing on the Annexation Policy Plan. He pointed out the Plan had been modified from its original version, as Areas 2, 5 and 6 had been removed. Commissioner Sebahar added that Areas 1 and 3 were the golf course and a small section along Wasatch Drive, both of which had been in the previous Annexation Policy Plan. She also explained that property owners had to initiate annexation because they had a desire to do so. The City could not just annex land when they wanted to. Several members of the audience had questions. City Recorder Leesa Kapetanov suggested to the Vice Chair that he call for a motion to open the public hearing and then people could come forward with their questions.

Vice Chair Layton called for a motion to open the public hearing.

Commissioner Hansen moved to open the public hearing, followed by a second from Commissioner Pruess. The vote was unanimous to open the public hearing.

II. **PUBLIC HEARING ON PROPOSED ANNEXATION POLICY PLAN**

The vice chair asked City Planner Mark Vlasic to give some information on the Annexation Policy Plan. Mr. Vlasic said the Plan being considered that evening was a modified version of the original Annexation Policy Plan. In essence, it was the same as the Plan the City had had for many years. Some Areas had been removed because they had already been annexed, and Areas 2, 5 and 6 had been removed on recommendation of the Planning Commission. Area 1, which was the golf course, also remained, as well as Area 3, an area along Wasatch Drive. Both had been in the Annexation Policy Plan for many years.

Commissioner Rounds pointed out the City was going through an adoption procedure required by the State. He also said that even if a property owner requested to be annexed to the City, and the property were in the City's Annexation Policy Plan, the City could still deny the request for annexation. Members of the audience then came forward for comment.

Jay Nye, no address stated – Mr. Nye asked what the advantages and disadvantages were of being annexed into the City.

Commissioner Sebahar said if they didn't annex, things would remain as they are, i.e. they would contract for their own garbage service, pay non-resident fees for sports programs, etc. If they chose to annex to the City, they would receive garbage service through the City and pay property taxes to South Ogden which in turn would go toward police, fire, roads, parks, recreation, etc. They would also vote for South Ogden candidates.

City Planner Vlasic then pointed out that the Planning Commission would make a recommendation to the City Council concerning the Annexation Policy Plan and the City Council would ultimately make the decision.

Marla Mitchell, 2202 Eastwood Blvd. – asked if the city would ever hire someone to come out and try to get enough people to agree to annexing to the city or if it would totally be initiated by property owners.

Commissioner Rounds said South Ogden would never do that. Commissioner Sebahar added that they took the Uintah Highlands area out of the Plan because it did not make sense for the citizens of South Ogden; the costs outweighed the benefits. City Recorder Kapetanov pointed out that anyone wishing to annex must be contiguous with the city's boundary; if someone not living next to the boundary wanted to annex, they would have to get everyone between himself and the boundary to agree to annex as well.

John Reeve, 6172 S 2125 E – stated that he served with the Uintah Highlands Water Sewer District. Mr. Reeve said adding an area to the Plan would allow any one person who wants to annex to do so without his neighbors permission, and then he could build an apartment building because the zoning would be there. South Ogden did not have to keep the same zoning that was in place now. Mr. Reeve then asked some questions concerning Area 3 and the Commissioners tried to clear up some misunderstandings about where the City boundaries currently were and what Area 3 included. Mr. Reeve also stated they should not hold a public hearing if nothing in the Plan had changed. The commissioners explained the state process required a public hearing to be held.

Gerald Hill, 1870 E 6200 S – asked what would happen if people with animals were annexed into the city. Commissioner Sebahar reiterated that those people would be the ones to ask to be annexed into the city; the city could not annex them unless they wanted to be. Planner Vlasic reminded those present that by having an area in the Annexation Policy Plan, it allowed those people in the area who wished to annex to do so. If someone from the area asked to annex, then things like whether animals would still be allowed and where services would come from would be looked at.

Garth Beutler, representing 6130 Wasatch Drive – said he was worried about a vacant piece of property nearby that could be developed if it were annexed into the city.

Marla Mitchell, 2202 Eastwood Blvd. – Ms. Mitchell asked if one had to live within the boundary in order to petition that it be removed from the Plan. The commissioners replied that they did not have to petition, just attend the public hearing and request it. She asked if there would be any other meetings regarding the Plan. City Recorder Kapetanov explained the adoption process; the Planning Commission would make a recommendation to the City Council and the City Council would actually adopt the Plan. The City Council was required to hold another public hearing before they adopted it. There was also a possibility that the City Council could vote to add Areas 2, 5 and 6 back into the Plan and adopt it. She explained that the notice for the public hearing would be printed in the newspaper as well as placed on the State's Public Notice Website and the City's website. If anyone wished to attend and comment at the public hearing, they should watch for the notices.

John Reeve, 6172 S 2125 E – Mr. Reeve stated that all the area across the street on Harrison was in their service district. Over the years South Ogden had annexed parts of it in and allowed it to be commercial construction. The District did not know anything about it until they came to get a building permit or a connection to their sewer and water. They did not get notified when a piece of ground was annexed into South Ogden; that was a concern to Mr. Reeve. If someone came in to request annexation, no one next to them was notified. A notice was put in the paper and posted on the website, but nobody had time to look every month to make sure what was happening. If someone wanted to annex a vacant property and put in a multi-family project, a hospital, or anything else, the city could allow them to annex and get a building permit and the people around them wouldn't know until construction started. That was his concern as well as the concern of the District.

Commissioner Rounds pointed out that since they did not want to be in South Ogden City, they also could not have a say in what happened there. It was the Planning Commission's responsibility to do what was good for South Ogden, not for unincorporated parts of Weber County.

Mr. Reeve said they were taking their area into the City and doing things in that area that they might not be agreeable to; they lost control of what the ground became as it was annexed into the City.

Commissioner Pruess stated that the owner of the property was making the decision about what happened to his property, and that was his right.

Mr. Reeve said the City should be aware of the impacts of what they were doing.

Marla Mitchell, 2202 Eastwood Blvd. - Ms. Mitchell asked what they would have to do in order to make sure a notice was sent out to residents concerning the next time a property was annexed into the city. Ms. Kapetanov said when properties were annexed or zoning changed, property owners within 500 feet were notified. Ms. Mitchell said 500 feet was not very far; how could she get it changed? Ms. Kapetanov said she would have to approach the City Council to have the ordinance changed.

John Reeve, 6172 S 2125 E – asked if the people along Wasatch Drive were notified of the public hearing. Ms. Kapetanov explained the notification requirements for adoption of the Annexation Policy Plan as well as the requirements if someone actually petitioned the City to annex. Mr. Reeve said if they really wanted to hear from the people affected they should mail everyone a notice. Ms. Kapetanov said the requirements were mandated by the State and if he wanted them to be changed he should talk to his State Representative.

Wayne Decker, 2394 E 6150 S – Mr. Decker asked a question concerning three lots on the west

side of Wasatch Drive that were in Area 3 and seemed to be surrounded on three sides by South Ogden City. He asked if those three persons wanted to be part of South Ogden, could they petition without the other people in the area. Staff said they could because they were contiguous to the City's borders.

There were no more comments.

Vice Chair Layton thanked those who commented and called for a motion to close the public hearing.

Commissioner Sebahar moved to close the public hearing. The motion was seconded by Commissioner Rounds. The commissioners voted unanimously in favor of the motion.

III. DISCUSSION /RECOMMENDATION ON ANNEXATION POLICY PLAN

The Vice Chair asked City Planner Vlastic to begin the discussion. Mr. Vlastic said the Plan was basically as it was before the adoption process began. He did say he had noticed that his table of contents had not been updated after having removed Areas 2, 5 and 6 and he would make the correction.

Commissioner Rounds moved to adopt the amended 2015 Annexation Policy Plan with the changes to the table of contents. Commissioner Pruess seconded the motion. The Vice Chair made a roll call vote:

Commissioner Gurr-	Aye
Commissioner Sebahar-	Aye
Commissioner Pruess-	Aye
Commissioner Rounds-	Aye
Commissioner Hansen-	Aye

The motion passed.

IV. CONDITIONAL USE ACTIONS

A. Re-consideration of Tree-O Conditional Use Application Due to Change in Site Plan

Vice Chair Layton asked if anyone representing Treeo was present. Jim Hyde came forward and introduced himself, explaining that he was an agent for Treeo. He explained they were asking to amend the site plan in order to be able to offer more residents the option of having covered parking. They were proposing that 22 already existing parking spaces be covered with a carport. They would be on the back side of the building near where the already approved carport structure was located. Commissioner Sebahar said she was in favor of the proposal. City Planner Vlastic said staff also recommended approval.

Commissioner Rounds moved to approve the conditional use application to change the site plan to allow parking covers. The motion was followed by a second from Commissioner Gurr. The Vice Chair called the vote:

Commissioner Gurr-	Aye
Commissioner Sebahar-	Aye

Commissioner Pruess-	Aye
Commissioner Rounds-	Aye
Commissioner Hansen-	Aye

The conditional use application was approved.

V. SPECIAL ITEMS

A. Discussion on Subdivision Ordinance (Title 11 of South Ogden City Code)

The Vice Chair turned the time to Planner Vlastic to begin the discussion. Mr. Vlastic said it had been suggested that the City's Subdivision Ordinance was in need of updating as well as making it compatible with recent changes to the Public Works Standards. He said staff wanted direction from the Commission as to how extensive they would like the changes to be.

Commissioner Sebahar said she thought it was a good idea to only put references to the Public Works Standards rather than wording from them; it would eliminate the need to update the Standards in two places. She asked that a hyper link be made in the online ordinance to make it easy to go from the Subdivision Ordinance to the Public Works Standards. She also requested that the change to the "Purpose and Intent" portion of the code, which was discussed in the briefing meeting, be made. City Recorder Kapetanov asked if they had any more thoughts concerning having pre-development meetings. They discussed the matter and determined that a pre-development meeting be suggested in the code, but not mandatory. They also suggested that language be added that there was no cost for a pre-meeting.

City Recorder Kapetanov pointed out the suggested timeline was to have the public hearing on the Subdivision and PRUD Ordinances at the next regular meeting. The chair then moved to the next discussion item.

B. Discussion on PRUD Ordinance (Title 10, Chapter 11 of South Ogden City Code)

City Planner Vlastic said this ordinance had shortcomings that might be susceptible to legal challenge, so staff was asked to look at and improve it. He had looked at PRUD ordinances from three other cities; Taylorsville, Draper and Ogden. He felt Ogden's model was one the city might want to use, but tailor it to South Ogden. Ogden's ordinance was more detailed and prescriptive but required more process and review by staff. The change would be quite extensive and required the inclusion of drawings in the ordinance in order to be understandable. Ogden City's Ordinance also referred to specific staff in Ogden City; those types of things would need to be changed if order to work for South Ogden. Mr. Vlastic wanted direction from the Commission as to whether they wanted to go in this direction before he put more time and effort into it. Commissioner Rounds liked the direction the ordinance was taking. Commissioner Pruess pointed out the City was almost built out and asked if this ordinance would work for re-development. Commissioner Sebahar commented that Ogden's ordinance mandated a developer meet all of the criteria listed, however she felt it was very restrictive. She wondered if South Ogden needed to be so limiting. Mr. Vlastic said the previous ordinance was developer driven, whereas this proposed one was meant to meet the needs of the City; however, her concerns should be taken into consideration. He also pointed out that requiring the developer to build streets to the City's standards, even if they were to be private, was a departure from the standard PRUD. He would have to look at the point system and account for this new requirement in order to still make it attractive to a developer.

The commission then discussed whether they wanted to have the public hearing at the next meeting or have another discussion before the public hearing. It was determined

that they would like to see the changes Mr. Vlastic made and discuss them at the next meeting. The public hearing would take place at the next meeting after that. Mr. Vlastic also indicated he could have the Cluster Subdivision Ordinance ready for the same review as the Subdivision and PRUD Ordinances. He would also have a rough draft of the Conditional Use Ordinance.

VI. OTHER BUSINESS

Vice Chair Layton asked if there was any other business to discuss, and seeing none, he moved on to the approval of the minutes.

VII. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A. Approval of March 12, 2015 Briefing Meeting Minutes

Mr. Layton called for a motion concerning the March 12, 2015 Briefing Meeting Minutes.

Commissioner Rounds moved to approve the March 12, 2015 Briefing Meeting Minutes, followed by a second from Commissioner Sebahar. All present voted aye in favor of the motion.

B. Approval of March 12, 2015 Meeting Minutes

The Vice Chair then called for a motion concerning the March 12, 2015 meeting minutes. Commissioner Sebahar requested that on line 235 the wording be changed to reflect that she was present for the discussions concerning Washington Terrace, but not necessarily on the City Council at the time.

Commissioner Sebahar moved to approve the March 12, 2015 meeting minutes with the suggested change. Commissioner Gurr seconded the motion. The voice vote was unanimous in favor of the motion.

VIII. PUBLIC COMMENTS

Vice Chair Layton then invited comments from the public.

Jerry Cottrell, 5765 S 1075 E – Mr. Cottrell gave a written copy of his comments for the record (see Attachment A). He began by commending the Commission and Staff for how the public hearing was handled; he liked how the public was engaged. He had also spoken with many of those in attendance for the public hearing and explained the same things the Planning Commission had concerning the Annexation Policy Plan.

Mr. Cottrell said he would like to talk about the Public Works Standards. He was not opposed to the Standards but was concerned as how they came about some specific standards. One concern was that the Planning Commission had not been asked to advise the Council on the standards. He also felt that such a large issue should have had a public hearing and noticed to the public.

He then stated that one of the specific changes that concerned him was the length of cul-de-sacs was lengthened from 400 to 500 feet. Mr. Lindberg had commented that the length of our terminal roads (cul-de-sacs) seemed to be too long. City Recorder Kapetanov informed Mr. Cottrell that the 500 foot notation on the drawing was an error and would be corrected. Mr. Cottrell said he was glad it was an error as it eliminated most of his concern.

Walt Bausman, 2795 S 10475 E – mentioned several things to consider about Ordinance 15-09; it was passed March 17 by the City Council and wondered why it was being discussed now since it was already a done deal. He felt the ordinance concerned land use and required a public hearing by the Planning Commission and the Council would have another public hearing on it as well.

Mr. Bausman said he did not know why the design standards needed to be changed. He had noted seven significant changes, which would now be six since one would be corrected. Other changes were the diameter of the turnaround had been decreased from 110 feet to 81 feet; the ingress and egress width of a street had been decreased from 60 feet to 41 feet; the sentences on the attachment to the Ordinance 15-09 stated that the Public Works Standards would supersede the Zoning Ordinance, but he felt it should be the other way around. He asked that the issues be corrected.

IX. ADJOURN

At 7:58 pm, Commissioner Sebahar moved to adjourn, followed by a second from Commissioner Rounds. All present voted aye.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting held Thursday, April 9, 2015.



Leesa Kapetanov, City Recorder

May 14, 2015
Date Approved by the Planning Commission

Attachment A

Written Comments of Jerry Cottrell

I am standing this evening to speak about Public Works Standards. These new standards came about as the result of Ordinance 15-09, which was recently passed by the City Council. I want to make clear that I am not opposed to the Public Works Standards in general but I do have some concerns about how these standards came about as well as a few of the specifics.

I mentioned my concerns to the City Council and Council Member Orr agreed to look into them. One of the concerns I expressed was the fact that the Planning Commission had apparently not been asked to advise the City Council on these standards. I am not sure why that would be. Additionally, it seems to me that a change of this magnitude should have been noticed to the public and there should have been public hearings on the matter. I mention these concerns just for your information because, as I said, Council Member Orr is looking into the matter and so I expect that she will soon have her recommendations on the matter.

But one of the specifics of these Public Works Standards that concerns me is the fact that the permissible length of terminal roads (aka as cul-de-sacs) is now lengthened from 400 feet to 500 feet.

I don't recall if it was here in Planning Commission or in City Council where Neil Lindberg mentioned that most cities have gone to a terminal road limit of 350 feet or less. So even the 400 foot limit in Title 11 of the City Code is longer than what most cities are doing... according to Mr. Lindberg. So I don't know why South Ogden would go the other way and lengthen the maximum for terminal roads.

Why have any limit on terminal roads? My understanding is that it is a public safety issue. Terminal roads, by definition have only one way in and out. As such, they present challenges to emergency responders, particularly, the Fire Department. As the City's land use experts, I would hope that you would be consulted on these matters and I would hope that you would recommend in favor of public safety rather than developer profits. Thank you.