

December 2, 2021
Planning Commission Meeting
Virtual Meeting
7:00 p.m.

Commissioners Present: Chairman Jan Kerr, Vice Chairman Julie Jones, Commissioner Marcus Wager, and Commissioner Stephan Moss

Commissioners Absent: None

City Staff Present: Robert Barnhill: City Administrator
Tyra Bischoff: Deputy Recorder
Chris Crockett: City Attorney

Others Present: Robert Anderson, Jim Flint, Melanie Barnhill

1. 7:00 p.m. - Call to Order and Opening Ceremonies

Chairman Jan Kerr called the meeting to order.

A. Declare Conflict of Interest, if any

None.

2. Action Items

A. Preliminary Subdivision Application – Perry Landing located at approximately 3200 S 1200 W #02-034-0038 Applicant: Robert Anderson

This item was tabled at a previous planning commission meeting on October 7, 2021. Robert Barnhill discussed the preliminary subdivision application for Perry Landing with the Planning Commission. He said they would be upgrading the waterline which will address some of the public concern about water pressure in the area as well as the 10 foot wide trail that would be put in along 1200 W (HOPS Historic Orchard Pathway System from Weber County to Brigham City). He also stated that at this point a code amendment to move the townhomes (from the density map grid system) all to one area has not been entertained by the Council.

Vice Chairman Jones addressed her concerns about wanting multi-family housing to affect existing homes in the least possible way and wanting the townhomes to be moved to the opposite side of the street where they would not be backing up to existing homes, or to allow them to be moved all together to the area at the end of the subdivision.

MOTION: Vice Chairman Jones made a motion to approve the preliminary subdivision application for Perry Landing with the option for the developer to be able to move the townhomes to the North West side on option #1 or to move all townhomes to the north side of the subdivision. Commissioner Moss seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes

Motion Approved: 4 Yes 0 No

B. Ordinance 21-R Amending the Density Map and Associated Regulations

Mr. Barnhill discussed the four different provisions proposed. The first one gives the land use authority some authority to determine the location of townhomes within a subdivision and the reasons for those decisions (i.e. to minimize impact to existing single family dwellings or to conform with the general plan to integrate multi-family dwellings into single family neighborhoods).

The next proposal was that within a proposed subdivision, no more than four multi-family housing units would be allowed per ten proposed single family lots. Mr. Barnhill discussed looking at the multi-family housing developments that have been approved already or are in the process of being approved, and none of them would have been able to be approved except for Perry Landing if this were applied. This tries to scatter the density map further and may be looked at as positive or negative.

The next proposed provision says where a certain property or proposed subdivision is divided among multiple allotment areas on the multi-family density map, the sub divider shall implement the allotted units from only one allotment area and that multiple allotments shall not be combined into one subdivision. In the case that a sub divider develops only a portion of the available property to include one allotment area with the intent to subsequently develop in the adjacent allotment area, the subsequent subdivision shall wait 5 years following the final acceptance of the initial subdivision before application can be made for the subsequent subdivision. He discussed removing the word intent from this proposed provision because it may be hard to prove intent. He said the positive with this one is that it stays more true to the map, the downside is that if a property were large (several parcels together) and only being allowed to pull out of one allotment area. Commissioner Wager suggested this may be negotiated with a development agreement.

The last proposed provision states that multi-family dwelling structures in Mixed Use and NC2 zones may include no more than four units (Chairman Kerr added that this should state no more than four units per structure). Multi-family dwelling structures in all other zones may not exceed two units. The pros to this one would be breaking up a possible long string of units. The con is that two units may not meet our intent of creating more housing diversity and affordability.

Chairman Kerr wanted to discuss the five year waiting period before doing a second development proposal. Commissioner Moss clarified that it is only a five year waiting period if they want to put multi-family housing on the property. Vice Chairman Jones said she feels that five years is sufficient, it would spread out the ability for other developers to be able to use the other allotments for multi-family dwellings instead of going to just one developer. Commissioner Wager said he feels that it would be good to be clear about development agreements as well.

Jim Flint, from the public, asked for possibility to comment. He expressed his thoughts that the parcels don't align with the grid and looking at it from a development standpoint he would like to know how that will be handled. Chairman Kerr said the intent is to be spread out further and when they fall within two grids, they are being more condensed than intended. Mr. Flint said that the other thing to consider is that typically multi-family dwellings are part of HOA's which is difficult if they are in the middle of neighborhoods. Vice Chairman Jones said that is the intent away from the NC2 zones (to have them more

integrated in the neighborhoods). Mr. Flint then discussed open space and parking with the multi-family developments within the neighborhoods.

Mr. Barnhill said that each of them probably have a different perspective on how many (regarding multi-family dwellings) is too many or how things should be spaced out. He said that for most of City Council, he thinks if they see a grid section that says twenty units, they are literally comfortable with twenty in a complex in that grid. He asked what they are comfortable with when looking at a single family neighborhoods and how many multi-family units are allowed. The Planning Commission members agreed they would like to see them more spread out in single family neighborhoods than the grid allows.

Mr. Flint wanted to know if in the NC2 zone, you would be required to have ten single family houses to be allowed four multi-family units. Chairman Kerr said that NC2 zone has higher density and clarified that it is four units per structure, not per development. Commissioner Wager said they may need to clarify that does not apply in the NC2 and Mixed Use Zones and add that wording into that proposed provision.

Vice Chairman Jones said they need to clarify if a developer owns a property that cannot fit in ten single family lots, are they going to allow a maximum of four (multi-family dwelling units) until there are ten single family homes. Mr. Barnhill suggested changing the wording to 'within a proposed subdivision up to four units are allowed, once ten single family lots are in then another four would be allowed'. Vice Chairman Jones also discussed limiting residential zones to allowing duplexes and four plexes being allowed only in NC2 and Mixed Use zones. The commissioners discussed changing the wording to two connected units per structure and four connected units per structure.

MOTION: Vice Chairman Jones made a motion to recommend to City Council approval of Ordinance 21-R Amending the Density Map and Associated Regulations with the changes discussed. Commissioner Wager seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes

Motion Approved: 4 Yes 0 No

C. Ordinance 21-S Creating an Overlay Zone for Development Agreements

Mr. Barnhill explained that development agreements address certain code items. Whenever you change something that is standard in code, it has to go through the legislative process. This proposal will tie development agreements to a zone change. Mr. Barnhill said that he would like to leave the underlying zoning in place so that a whole new zone does not have to be created. This is also a good way to track development agreements and it creates good public records for how it happened. He said he named the development overlay zone DO and if they want to change the name they can. He explained how it would be created and applied in detail. He reviewed the requirements in detail as well. If the development agreement expires or is terminated as a result of non-compliance by the property owner or developer, the development overlay zoning designation would be removed and it would go back to the original underlying zoning district. Mr. Barnhill then reviewed the procedures of creating an overlay zone for development agreements in detail.

Commissioner Wager added that the great thing about development agreements is that both sides have to agree (and hopefully both sides get something out of it). Vice Chairman Jones wanted to know how to make sure that the public would be notified and be able to comment their concerns with a development agreement. Chris Crockett, City Attorney, said that legislature has changed within the last year that says these are legislative items so they have to go through the public hearing and noticing requirements (just like going through a zone change).

MOTION: Commissioner Wager made a motion to recommend to City Council approval of Ordinance 21-S Creating an Overly Zone for Development Agreements with some adjustments on typos. Vice Chairman Jones seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes

Motion Approved: 4 Yes 0 No

D. Public Hearing – Ordinance 21-U Amendments to Title 14 and 15 Regarding Subdivisions

Mr. Barnhill said they did a complete rewrite of the subdivision code in April of 2020. As they have used it they have found a few random items that need to be updated. The proposed updates are as follows:

- Following approval of final plat and prior to recording the plat (90 day window)-get funding/escrow set up
- (To promote developers to consider conservation subdivisions more, they get an automatic density bonus for so much open space set aside). For residential subdivisions with a gross size or area equal to or greater than ten acres a conservation subdivision plan.
- Subdivision improvement agreement – will need to be signed by the sub divider as provided by the city and it will be recorded with the plat. (This is a contract for all the codes that by law the developer is obligated to follow).
- (The escrow be established prior to the recording of the plat) If the sub divider provides the improvements and infrastructure and they are inspected and approved by the city prior to the recording of the plat, then only the warranty portion of the completion insurance will be required.
- Cost estimate will be required as part of the design and engineering application.
- Allowing the land use authority to have authority to make adjustments to the utility plan as far as routing to provide connectivity between developments, provide public safety, and minimize public infrastructure maintenance and liability.
- All multi-family dwelling and apartments shall be developed with private roads and utilities to such an extent as is reasonable.
- Clarifying utilities – what is required with culinary, sewer and secondary water. Alternatives may be approved through the City Engineer and the Health Department. Public lift stations are not permitted but can be granted an exception if deemed preferable or gravity sewer is not feasible.

Secondary water must be connected to unless granted an exception in writing from City Engineer (an additional fee will be required if not connected to secondary water).

- A section that needs to be removed is - extending a warranty period on sewer (it goes against State Law)
- Construction waste and debris needs to be removed from the development prior to conditional acceptance being granted.
- (To encourage conservation subdivisions addressing zone changes) The highest density residential zone City Council may grant for proposed zoning map amendments is RE1/2 or R1A. Exceptions may be approved by City Council. (Mr. Barnhill said this is from Council Member Ostler and he would recommend this be a policy and not put in code).
- Clarification on fencing around subdivisions when adjacent to a dissimilar use and piping waterways (between developers and ditch/canal owners). Vice Chairman Jones said she does not like the part that says there has to be a fence put in when a subdivision backs up to agriculture or commercial when it comes in next to residential. Commissioner Wager said that it does not specify what the standard of fence needs to be as well. Mr. Barnhill said this may be a provision that is not recommended forward.

Chairman Kerr opened the public hearing at 8:34 p.m.

No comments were received.

Chairman Kerr closed the public hearing at 8:34 p.m.

Commissioner Wager said that he feels that the section specifically that Council Member Ostler wants to add in makes more sense as a policy and not written in as code. Vice Chairman Jones agreed with him and also does not agree with having to put up a fence when residential backs up to an orchard.

MOTION: Commissioner Moss made a motion to recommend to City Council Ordinance approval of Ordinance 21-U Amendments to Title 14 and 15 regarding subdivisions with the changes noted of getting rid of the proposed changes to fence requirements, and not recommending approval of the portion regarding zoning policy, as well as a few typos. Commissioner Wager seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes

Motion Approved: 4 Yes 0 No

E. Approving the Meeting Schedule Dates for 2022

MOTION: Commissioner Wager made a motion to approve the meeting schedule for 2022. Vice Chairman Jones seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes

Motion Approved: 4 Yes 0 No

3. Discussion Items

A. Bike Rentals

Mr. Barnhill said this was a discussion last time and it came to light during the meeting that they would like to make this part of what the KOA is already doing. He misunderstood them thinking they wanted to do the e-bike rentals throughout the city and does not think this needs to be taken further.

4. Approval of the Minutes

A. October 21, 2021 Work Session

MOTION: Vice Chairman Jones made a motion to approve the October 21, 2021 work session meeting minutes. Commissioner Moss seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes

Motion Approved: 4 Yes 0 No

B. November 4, 2021 Regular Meeting

Chairman Kerr noted that on line 204 the date needs to be changed to 'next meeting December 2nd' as the date listed already occurred.

MOTION: Vice Chairman Jones made a motion to approve the November 4, 2021 regular meeting minutes with the correction discussed. Commissioner Wager seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes

Motion Approved: 4 Yes 0 No

5. Discussion

A. Future Projects

Mr. Barnhill said that the land use chart will be coming back. (Stating the organization intent and tackle reorganization).

B. Report on past-approved Planning Commission Agenda Items

None.

**C. Report from Commissioner regarding last Council Meeting
(November 16th meetings)**

None.

**D. Make Assignments for Representative to Attend City Council Meetings
(December 9th Meeting)**

Mr. Barnhill said there will be a work session at 6:00 before city council meeting with local state representative and senator if they are interested in attending that. He said it is important to reach out to them because they really affect cities. Chairman Kerr said she can go to the December 9th meeting. Vice Chairman Jones said she may be able to attend as well.

6. Training

A. Staff

Chris Crockett discussed unincorporated area and the large concentrated animal feeding operation act. Affected areas have to pass an ordinance listing where these operations can go by February 2022, otherwise they can go anywhere they want.

7. Review Next Agenda and Adjourn

A. Items for January agenda (next meeting January 6th 2022)

- None

B. Motion to Adjourn

Motion: Commissioner Moss made a motion to adjourn. Commissioner Wager seconded the motion.

All Commissioners were in favor. The meeting ended at 8:58 p.m.