

Minutes of the Syracuse Planning Commission Regular Meeting, October 20, 2015

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on October 20, 2015, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members:	Ralph Vaughan, Chairman Dale Rackham, Vice Chair TJ Jensen Curt McCuiston	
City Employees:	Jenny Schow, Planner Paul Roberts, City Attorney Noah Steele, Planner Stacy Adams, Admin Professional	
City Council:	Councilman Mike Gailey Councilman Craig Johnson	
Excused:	Commissioner Greg Day Commissioner Troy Moultrie Commissioner Grant Thorson	
Visitors:	Ray Zaugg Adam Bernard	Pat Zaugg

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1. **Meeting Called to Order:**

Commissioner McCuiston provided a thought "I've never met a strong person with an easy past" unknown author, but maybe they can take a little solace in that even when it is hard for us, it is doing us some good. The Pledge of Allegiance was led by Commissioner Jensen.

COMMISSIONER JENSEN MADE A MOTION TO **ADOPT** THE PLANNING COMMISSION AGENDA FOR OCTOBER 6, 2015 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MCCUISTION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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2. **Meeting Minutes:**

October 6, 2015 Regular Meeting & Work Session

COMMISSIONER JENSEN MADE A MOTION TO **TABLE** REGULAR AND WORK SESSION MEETING MINUTES FOR OCTOBER 6, 2015 DUE TO ABSENTEE COMMISSIONERS. COMMISSIONER MCCUISTION SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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3. **Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

None

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4. **Public Hearing - Municipal Code Amendments Title X**

Commissioner Vaughan asked staff if they should break the amendments out individually for public comment or approve all of them at one time. City Attorney Roberts stated there is no harm in approving them all at one time, if there are specific comments on individual sections they can let them know, the group is small enough they can take as much time as they need for any section they have comments on. Commissioner Jensen stated he would like to highlight the changes they made the last time, since they are all very familiar with them.

Planner Steele began reviewing the changes. Planner Schow stated as far as the codes that were listed for the public hearing tonight and for the Commission to make a motion on, there was only one that had changes from what was previously gone through in work sessions and that would be the amendments to 10.20.070 that Commissioner Jensen had worked on. Planner Schow asked if they wanted to know if they wanted to go through the other changes first. Commissioner Vaughan stated however staff wanted to proceed and as a public hearing they should go through everything for the public.

Commissioner Jensen stated he had one item for the Commission on 10.20.060 General Plan Amendments, it talks about the text amendments starting on January 2016, since they are amending the plan now and since there are a few decisions that are still up in the air as far as West Davis and such, it might be more productive to make that 2018 to give UDOT time to give record of decision, because once they get that record of decision and if they can see what is going on

as far as any entities that are going to challenge UDOT on their final solution, they are not going to get that by January 1, 2016 and that would be the major reason they would be looking to change the plan, so suggest making it 2018 instead of 2016. Commissioner Vaughan stated they can go through the amendments and staff can suggest recommendations on changes. Commissioner Rackham asked if they should hold any comments until after or intervene as they go. Commissioner Vaughan stated because it is a public hearing, they should let staff give their report before they ask questions on them.

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Planner Schow stated starting with 10.50 Establishments of Zones, amended all the changes for the density requirements to gross acreage and then there is the addition of the R-4 Zone that was discussed in the last meeting. Commissioner Jensen asked if staff was able to determine what the highest density of the existing R-4's were. Planner Schow stated she did not.

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Planner Schow stated 10.20.060 General Plan Amendments, this is the section discussing opening and closing and this is where Commissioner Jensen was discussing that date back to 2018. Planner Schow stated the City Attorney just informed her there were some changes that did not make it into the packet. City Attorney Roberts stated a few weeks ago they talked about objective standards for the Council, because the Council can open the amendment period but they needed to have some objective standards so it is not just up to the whims of the Council. They talked about three different ways that could happen. Under subsection 4 Consideration outside the amendment period to be authorized by Council a) the City Council may authorize the consideration of an applicant's amendment outside of the open amendment periods established by this section, such a request is sent directly to the City Council and the proposal is then referred to the Commission if authorization is granted. It goes straight to the Council and if they agree to open it then it would come back to the Commission or be seen either. B) the Council may authorize the consideration of general plan amendments outside of the open enrollment period if any of the following apply: i) significant changes to arterials or infrastructures by agencies other than the City and which were contrary to the assumptions in the general plan ii) Catastrophic events, such as natural disasters or conflagrations or iii) the Council finds that a development is proposed which : A) consists of at least ten (10) acres and B) has the potential to confer a substantial benefit to the City. Like a major RDA project where there is a significant economic benefit to the City, they can open the general plan to make room for something like that. Subsection 5) each timely application which is submitted by an applicant shall be considered and given due consideration by the Commission and Council, unless withdrawn by the applicant. That addresses the concern with people if they've submitted a general plan amendment they are entitled to the full process going forward. Rather than just saying at the end of three months it is closed, if they haven't had a chance to have their proposal heard, that wouldn't be fair to them, to make sure due process is given to people who have submitted an application, it goes through, even if it takes nine months or a year, it goes through to the end. Those were the changes he had made to 10.20.060. Commissioner Jensen asked if there was an amended packet. Planner Schow stated no, she did not have these changes in the packet, but they can still consider the changes since they did discuss the changes in a work sessions. City Attorney Roberts stated he wasn't sure if he forgot to forward the changes to Planner Schow or if the wrong version was added, but discussing the changes in this public hearing and allowing people to comment if they do not like it, meets the intent of. Commissioner Jensen stated he would ask that the changes be put up on screen so they can view them. Commissioner Jensen stated they had most of it there are just a few changes additional.

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Commissioner Vaughan stated this is the most important document in the City and doesn't mind going slow and making sure they are covering all the bases. Planner Schow asked if they were good with the changes they just reviewed with 10.20.060. Commissioner Rackham asked how many pages it was and if they could get a printed copy. City Attorney Roberts stated four pages and he could print out copies for the Commission.

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Commissioner Vaughan asked in the beginning if they should break them out and discuss them individually, thinks they are going to wind up with too many questions if they go through this so it might be a good idea to go through and pick an order of what could be called the easy ones and then they can decide on those right off the bat and get those out of the way and then the ones that might require a little bit more discussion and or debate they can take their time. Looking at items 5-9 the A-1 zone, R-1 zone, R-2 zone, R-3 zone and R-4 zone think they are pretty clear on all of those and hopefully they should be able to get those out of the way.

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Planner Schow stated on item 5, A-1 Ag zone, the change was the density went to 0.5 lots per gross acre and there was a minor change with accessory buildings, 200 sq. ft. or less, same thing for conditional use, this would be greater than 200 sq. ft. No issues with changes

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Planner Schow stated item 6, R-1 zone, density changed to 2.3 per gross acre and there was the same changes for the accessory buildings for less and greater than 200 sq. ft. There was one of change in this zone that the minimum lot size increased from 10,000 to 12,000 sq. ft. Now the R-1 zone is the only zone allowing the Cluster subdivision, so that was clarified. No issues with changes.

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Planner Schow stated item 7, R-2 zone changed to 3.0 per gross acre and same change with accessory buildings and uses. No issues with changes.

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Planner Schow stated item 8, R-3 zone these changes have the potential to be the most controversial. Commissioner Rackham stated the R-3 zone was not in the packet. Planner Schow stated R-3 is the same as the packet before, nothing was changed except the gross density and the accessory structures. It was changed to 4.0 per gross acre and the accessory buildings change. No issues with changes.

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Planner Schow stated item 9, R-4 zone this was one of two options to address R-4 zoning in the City that currently does not have any code tied to it. They amended the gross as in the other zones, 11 lots per gross acre and the key on this zone is the sentence added on 10.14.10 that states this zoning shall not be permitted for new development and is only applicable to the existing R-4 zones on the zoning map. As well as the changes to the gross and accessory structures.

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Commissioner Vaughan stated so they keep the zones all together for staff to review item 4,10.50 Establishment of Zones. Planner Schow stated item 4,10.50, the acreages were changed and densities.

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Commissioner Rackham stated at the bottom of R-4,10.14.010 it says 1991, where all the others say amended 1991. Planner Schow stated she can add amended to 1991. Planner Schow stated at the top of R-4 she had Chapter XX, the codifier will put in the numbering that will be consistent with the current code. R-3 is 10.70, so the next one is 10.75 and wasn't sure where they would put that in.

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Planner Schow asked if they wanted to go back over 10.50. Commissioner Vaughan stated yes, 10.50 Establishment of Zones and then they can submit sections 4 through 9 to the Commission for discussion and a vote for approval or denial to the City Council on those items only.

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Commissioner Jensen asked if they were going to discuss Cluster subdivisions because it is part of this. Commissioner Vaughan stated that is what he was asking as they went through each one. Commissioner Rackham stated A-1 to R-4 is all they had gone through so far.

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Planner Schow stated the zoning in 10.50 has the amendments to the gross acreage and they appear to match unless anyone has any discrepancies or have any changes. Commissioner Jensen asked if the PRD was changed previously to the gross acreage. Planner Schow stated she will check and if not they will have to bring that one back and send it through with that change because it was not noticed. Planner Schow stated the PRD had been amended to gross acreage density calculations.

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Commissioner Vaughan stated on sections for zone items 4, 5, 6, 7, 8 and 9 are there any discussions on that if not the Chair would entertain a motion to recommend approval to the City Council for those sections. Commissioner Jensen stated Cluster subdivision is included in these amendments and they need to discuss that as well as another section he wants to discuss and they do have a public hearing. Commissioner Vaughan stated he was hoping to get these sections out of the way and then move one. Commissioner Jensen stated Cluster is part of this.

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Planner Schow stated item 10, Cluster Subdivision, the first change was to restrict it to the R-1 zone and no longer permit it in the Agriculture zone. The decision was made to continue use it as major conditional use permit. The biggest change that was made to the Cluster development was that the items that used to be optional for bonus density were switched to required and then a max bonus density was given, those items were converted into the code, the code was reorganized a little bit to make more sense, this section had the most changes of anything they worked on.

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Planner Schow stated (A) Acreage: A cluster subdivision shall have a minimum of 10 acres of contiguous land area. (B) Phasing: The proposed development plan shall include all possible future phases. No additional phases shall be permitted beyond the original concept. Adjacent property developed similarly shall be a separate development and shall meet all requirements independently from any adjacent development. (C) Ownership: The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property. (D) The Land Use Authority shall require that the arrangement of structures and open spaces be developed in such a manner as to prevent any adverse effects on adjacent properties. (E) Density: The density of dwellings in a cluster subdivision shall not exceed 4.6 units per acre. Set a minimum 7,000 sq. ft. lot size and added 20 feet corner side lot for setbacks, which is standard for all the zones.

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Planner Schow stated (G) Home Owners Association: The development shall have a lawfully organized and professionally managed homeowners' association. Commissioner Vaughan asked staff and City Attorney he is unsure if

the City can mandate the formation of a Home Owners Association. City Attorney Roberts stated yes, the City can, they can make that a requirement that they are voluntarily accepting by building Cluster subdivision the one problem that they often have is the HOA sometimes aren't managed effectively and they fail and then there is nothing the City can do to help the HOA, but the City can require it.

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Planner Schow asked if they had any other questions up to this point. Commissioner Rackham stated on paragraph F F)1, there are two 1's and 7,000 listed twice so one of those should probably go. Planner Schow stated she can remove the second one if that works. Commissioner Rackham stated density and area are different. Planner Schow stated she will remove minimum lot size 7,000. Commissioner Jensen stated on E above it stated density shall not exceed 4.6 units per acre, that 4.6 is only supposed to be on 50% of the acreage, so that needs to be clarified otherwise they will have the same problem as they had before. Planner Schow stated she wondered and wasn't sure if they had decided to drop it out or not, is that how it should read. Commissioner Rackham stated yes, that is correct. Commissioner Jensen stated 4.6 per acre on the 50% allowed for development. Planner Schow stated she will add that to the density. Commissioner Jensen stated it should be added to 1 too. Commissioner Jensen stated it should be phrased 'of the acreage not allocated to open space'.

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Planner Schow stated the next section was a little confusing, (H) Open Space and Common Space: 1. The development shall provide (50) Fifty Percent open space. A Minimum of (10) Percent of the open space shall be common space. City Attorney Roberts wanted to clarify 10% of the 50%, so basically so 5% of the overall development is common space, is that that they intended or did they mean 10% of the overall development is common space. Commissioner Jensen stated essentially they wanted 1/5 of the acreage in open space to be common space, so it phrased correctly.

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Planner Schow stated 2. Open space and common space shall not include streets, driveways, or parking areas. 3. Open space may include agricultural areas, recreation areas, and wetland preserve. 4. Open space not used for agriculture and wetland preserve shall be fully landscaped and developed with approved amenities for the enjoyment and use of all residents of the development and/or the public. Commissioner Rackham stated he thinks they should add the word full before the word use, as well as paragraph 7 below, full use of all residents, his concern is they could have limited use.

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Planner Schow stated 5. Open space that is designated for agricultural use shall have a recorded perpetual conservation easement. 6. Open space shall not be enclosed with fencing, except as required per buffer table of Title X. 7. Common space shall be fully landscaped and developed with approved amenities for the enjoyment and use of all residents of the development and/or the public. Adding the word full before use of all residents to that sentence.

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Planner Schow stated 8. Common space shall be preserved, maintained and owned through the **homeowners'** association from the onset, or may be deeded to Syracuse City, if the developer makes the request and the City Council grants the request, at the City Councils sole discretion. (I) Landscape Plan: The Land Use Authority shall review the landscape plan designed in accordance with an approved theme that provides unity and aesthetics to the project. 1. Landscape Plan shall be signed and stamped by a professional landscape architect. 2. The landscaping plan shall indicate all special features, such as ponds, fountains, signs, walking paths, plant species and size, fencing etc., together with a planting plan. 3. Landscaping must be completed prior to approval of the next consecutive phase of the subdivision, or within the negotiated phasing per the development agreement. 4. Street Trees shall have a minimum 2 inch caliper trunk size measured 12" above ground level, at the time of installation. 5. Street trees shall be selected in accordance with the approved tree species in City code. 6. Street trees shall be spaced according to the approved species and park strip width. In no case shall street trees be planted further than 50 feet apart. (J) Sidewalks and Park Strips: The design and location of public sidewalks within a cluster subdivision shall be located in the public right of way and meet the following conditions: 1. Sidewalks shall be a minimum of 5' wide and meet the **minimum** ADA standards. 2. Parkstrips shall be a minimum of 10' wide. 3. Meandering sidewalks shall be no closer than 5' to the back of curb. 4. Sidewalk construction and utilities shall comply with the adopted Engineering Standards and Specifications.

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Planner Schow stated (K) Trail System/Walking Paths: 1. The development shall contain trails/walking paths and shall connect to the **City's** trails system per the Trail Master Plan, when applicable. 2. Trails/walking paths shall meet the cities Engineering Standards and Specifications. Commissioner Jensen stated he wanted bike paths added after walking paths.

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Planner Schow stated (L) Signage: The development may include landscaped identification entry signs maintained by the home owners association.

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Planner Schow stated Design Standards: (A) The development shall have restrictive covenants to facilitate superior architectural design elements. (B) A common building theme shall be required and approved by the Planning Commission. The design shall show detail in the unification of exterior architectural style, color, and size of each unit;

however, the intent is not to have the design so dominant that all units are identical. (C) Patios shall not extend beyond the width of the primary structure and shall not extend beyond half the rear setback. Privacy fencing around a patio is allowed.

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Commissioner Vaughan stated they had gone through items 4-10 any further discussion. Commissioner Jensen stated they had glossed over 10.20.070 E) there were a couple of changes made from their last meeting that wanted sure everyone saw them. Planner Schow stated they had not gone through that section yet. Commissioner Jensen stated they had not. Planner Schow stated she thought they were skipping those and going through the residential zones first and then coming back to those. Commissioner Jensen stated that is why he was suggesting coming back. Planner Schow asked if they wanted to make a motion or continue all the way through. Commissioner Jensen stated this is all part of the. Commissioner Vaughan stated let's do these right here and get them out of the way, since there will be discussion on the others. Planner Schow stated they need to open the public hearing on those sections before the motion.

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Commissioner Vaughan stated he would open a public hearing on items 4-10 Establishment of Zones, Agriculture, Residential and Cluster subdivisions.

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Mike Gailey, City Councilman, just a point of clarification he thought they had decided at one point to eliminate Cluster subdivisions in agricultural, it is still listed as a major conditional use in that part of the document, to bring that to the Commissions attention. The other thing is he would like to take a minute and asked Councilman Craig Johnson to join him because they overlapped on it, he wanted to make sure the language he uses here, he can't speak for the Council, but they can speak on behalf of the Council, he would like to thank Commissioner Rackham so much for the work he put in to this project and those resident who were involved in it. The amount of hours have been heroic and the work that has gone on here is really unseen by most people. He personally would like to thank those individuals that were on that committee and wondered if sometime he could forward the names of those individuals that were on that, because he would personally like to send them a thank you note and thank them for their effort in what they have done here and would like to thank Commissioner Rackham for all the work he has done on this, the Council is eager to see this, because their tenure has overlapped they are not speaking for the Council but on the behalf. Councilman Johnson stated he appreciated the efforts of the committee as well and thinks they did a good job, it has been a long time in the making and we'll keep rolling on. Councilman Gailey stated as he read through it, it is pretty understandable to the lay person and thinks that is great, thank you.

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Commissioner Vaughan asked staff regarding Councilman Gailey's comment on the Cluster subdivision still listed as a major conditional use in the document. Planner Schow stated they will get that stricken out. Commissioner Jensen stated in the packet there are two versions of the general plan for work session, the second one is mainly trying to suggest changing the look of the general plan to make it look like a more vibrant document and the acknowledgement section in the front they have listed all of the committee members who participated.

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Commissioner Vaughan closed the public hearing on items 4-10.

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Commissioner Jensen stated he was unclear why they were not discussing items 1-3 as well since it is all one public hearing and why he was holding off on those items. Commissioner Vaughan stated they are going to come back to those. Commissioner Jensen stated his intent is to make one motion for all of it. Commissioner Vaughan stated he thought that those would be a little bit lengthier comments and discussions on these. Commissioner Jensen stated they can certainly discuss those now they don't need to separate them in the motion that is his point. Commissioner Vaughan stated his idea was to get the easiest ones out of the way first and go from there. Commissioner Jensen stated he doesn't think the other three are controversial necessarily and thinks they can get them done in probably 10 minutes. Commissioner Vaughan stated thank you and appreciates his input but will continue with what he had announced. Commissioner Jensen stated unless he makes a motion to approve all Title X amendments, which is what he would like to do. Commissioner Rackham stated he doesn't want to create waves but if they continue they are deviating from what was approved as an agenda and they just need to discuss all items. Commissioner Vaughan stated the Chair will apologize for taking items 4-10 out of order and will go to items 1, 2 and 3 before they discuss anything else.

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Planner Schow stated 10.20.050 was also not in the packet, but was in the previous packet and nothing changed. City Attorney Roberts stated this was when they were talking about the general plan open amendment period. The thought was to add it as another subsection and looking at the noticing section it was really lengthy and it was a bit confusing. So in going to the State law and making sure it is compliant with the State law and makes it a little bit more logical from his perspective. It starts with making sure they give applicants notice of any hearings, 3 days in advance, public notice of meetings is accomplished by 24 at least notice and this is pursuant to State law. Public notice of hearings there is the 10 days notice and that also has the listed entities they mail notices to. Specific third party notice if they have to give notice to any adjacent property owners then it talks about how that is calculated. Meetings or hearings requiring specific third party notice that would be sent out for those three items and those that would require a public hearing. They

discussed previously at the work session that site plan approval had been noticed to neighbors and that had been less effective because people came contesting the use, they didn't like the use rather than the site plan. It is not required by the State law, so removed it as a notice requirement under the City code. General plan open amendment period they have the 90 days of notice prior to the opening. Proposal to vacate, public streets, right of way or easements that would go out according to State code. They renumbered the challenge of notice, if someone doesn't challenge the notice within 30 days then it is done. These changes were discussed at length at the last meeting. Commissioner Vaughn asked about the color variations in the code amendments. City Attorney Roberts stated if it is underlined it is new, if it struck ten it is being deleted. Commissioner Jensen stated he like the simplification that has been done here, it was a pretty redundant section before and like it being a little cleaner and likes what the City Attorney has done there.

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Planner Schow stated item 2, 10.20.060. Commissioner Rackham had a question on paragraph 4, unsure what it is on the new one, the Planning Commission as the advisory board shall schedule and hold a public hearing. The words added if the proposed amendment was timely submitted under section D, would like to propose a change to that slightly, remove the word timely and say if the proposed amendment was submitted in accordance with section D. City Attorney Roberts stated there is no problem with changing that, it captures the intent. Commissioner Jensen stated since they are discussing that he wanted to point out again that changing the general plan amendments under C) 1, changing the year from 2016 to 2018 and then every 4 years after. The Commission agreed on moving the date to 2018.

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Commissioner Jensen stated he wanted to point out a nuance in the language that he noticed before for the benefit of the Commission and this might be something for the City Council, essentially towards the end of 10.20.060 under D) 4 it talks about the Planning Commission shall hold public hearing and then under 5 it says City Council may schedule and hold a public hearing. So the City Council has the option to have a public hearing or not, does the Commission have any thoughts on that. That is not a change, but do they want to mandate the City Council have a public hearing as well or give them the option. Commissioner McCuiston stated he thought the idea was to give them the option. Commissioner Rackham stated that was his preference to give them the option.

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Planner Schow stated the last item 3, 10.20.070 Zoning Map and Text Amendments, there were a few minor changes and whether they should break them down with map versus text for the general plan. This is the language proposed by the City Attorney. The changes were Under E) Approval standards, adding, such changes shall be consistent with the current general plan and general plan map. Deleting original 1) due to redundancy and adding 1) or in cases of text amendments, in areas governed by the amended text; (2) in cases of text amendments, harmonious with areas governed by the amended text. Commissioner Jensen stated that is a different approach from what he proposed last time and does appreciate it.

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Commissioner Vaughan opened a public hearing on items 1, 2 and 3.

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Adam Bernard, Syracuse, wanted to know if the items that were not included in the packet in an edited packet after the meeting or the public doesn't get any other access until they are changed. Planner Schow stated the amendments will be made and the two sections that were left out will be included in the City Council packet. Adam Bernard stated he would also like to say that he still doesn't agree with the general plan map amendments on the odd years, still am of the opinion that it doesn't give everybody the fair opportunity, especially if they are citizens of the City who have land that they can develop and it may take them a while to get that done if they miss that 90 day window or opportunity.

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Commissioner Vaughan closed the public hearing on items 1-3.

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Commissioner Vaughan asked the Commission if they had any discussions on the items they have gone through. Commissioner Jensen stated he is good with where they are at. Commissioner Rackham stated he had no discussion items. Commissioner McCuiston state no, he thinks they discussed the 90 days quite a bit and if it matches the general plan they can still move forward, if it is not then they would have to do a little more planning but doesn't seem to be too out of line.

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Commissioner Vaughan stated he has some questions for staff and this has to go with the overall procedure that they have adopted for this and why he tried to break the items out and this is something that needs to be put into the record for consideration, the City Attorney will understand the phrase 'fruit of the poisoned tree', he has some concerns as to whether or not all of these recommendations the way they have been put forward have been done in a correct way that would stand up to any review or any challenge especially if the Planning Commission is about ready to submit these to the City Council. First question did the general plan committee request, or did the City Council request specifically a review or a rewrite of the general plan to be conducted by the Planning Commission prior to the initiation of this work. Planner Schow stated she could not answer that question that would be something that would need to be directed to the Community Development Director. Commissioner Vaughan stated they do not have any idea if the City Council asked for this. Planner Schow states she does not personally. Commissioner Vaughan stated the other questions to follow up to

that is when did they request that and what specifically did they ask the Planning Commission to review inside the general plan and was there a deadline specifically given by the City Council to the Planning Commission for a review of the general plan. Associated with that as they move forward into the Planning Commission now acting upon a review of the Planning Commission wondering if staff has ever received what is called a purpose and need document. This is a document that is required by the Bylaws to be submitted as soon as a committee is established and with specific items, each committee shall draft a purpose and need document and present it to the Planning Commission for approval within 6 weeks of the first committee meeting, purpose and need document should keep committee work within the scope laid out for the committee at inception, if a need arise to revise the scope exists it shall be brought back to the Planning Commission for approval and wondering if there was ever a purpose and need document prepared. Planner Schow stated not that she is aware of. Commissioner Rackham stated there was in fact one brought forward to the Planning Commission, it was discussed and it was approved, it was broad enough that it allowed the committee to consider ordinance changes in the zones that related to the master plan. That was all coordinated and done with the approval of the Planning Commission. Planner Schow asked if he remembers when that was done and we can pull that for Commissioner Vaughan. Commissioner Rackham stated that committee went for a long time it was submitted as part of a packet. Commissioner Jensen stated he wanted to say late September or early October but not exactly sure. Commissioner Jensen stated under Title III the Planning Commission has the, it is within the Planning Commission to purview to review the general plan, it does not need the City Council to initiate that.

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Commissioner Vaughan stated he is just trying to find out exactly where and how this is going and this is based upon some additional work has been prepared by the Planning Commission that although this body reviewed it and it was presented by another body another committee that was sent as an example the Architecture Review Committee has spent an awful lot of time meeting much the same way that Chairman Rackham, Vice Chairman to this Planning Commission, Commissioner Rackham was a Chairman of the General Plan Committee much the same way that they had another committee, ARC met for a long period of time, probably as long as this committee did, they prepared a lengthy report reviews by the Planning Commission and when it was submitted to the City Council, hate to use the euphemism, but basically it was shot down and would hate to see another document being prepared, a major document being prepared by the Planning Commission that is going to be going to the City Council possibly to have it meet the same fate as the Architecture Guideline. If they are quite confident that everything is done by the numbers and they are good, they can stand behind everything and they have nothing to fear then he has no problems and his questions are basically moot, but just want to make sure that they do the best possible job.

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE MUNICIPAL CODE AMENDMENTS TO TITLE X AND RECOMMEND TO THE CITY COUNCIL WITH THE FOLLOWING ADDITIONAL DIRECTIONS THAT STAFF CHECK THE DENSITIES OF THE EXISTING R-4'S, DETERMINE THAT NUMBER AND HAVE THAT NUMBER READY FOR CITY COUNCIL, SHOULD THEY WISH TO CHANGE THE GROSS DENSITY TO BE IN LINE WITH THAT NUMBER. COMMISSIONER JENSEN PICKED 11 SINCE IT WAS CLOSE TO THE 14.52 GROSS, BUT IF EXISTING R-4 DENSITIES ARE LOWER THAN 11, HIS INTENT WAS TO PICK A LOWER NUMBER AND WANTED THE CITY COUNCIL TO HAVE THAT INFORMATION AT HAND. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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Commissioner Vaughan gave congratulations and admiration to Commissioner Rackham, he had a very daunting task, he has done an outstanding job, heck of a job.

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Planner Schow stated they were able to find the packet and the information for when the scope and duration was presented and adopted by the Planning Commission, it occurred on August 19, 2014.

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5. **City Trail - Monterey Estates**, located in the Utah Power and Light Corridor between 700 S and 300 S

Planner Schow stated City staff has been working with Ivory Homes and Ninigret during the Monterey development process also the school, the commercial property that is coming in, it has taken them quite a while but they have finally been successful in negotiating a trail system that will be installed through Ivory and Ninigret with some minor participation by the City. The Ninigret portion was shown and allocated for on the site plan when that came through for the Ninigret North II, however they did not show any kind of trail other than the minor connection through Monterey Estates this trail is proposed to go through the power corridor, it is on the master trails plan, which they did have some minor discussion when that came in and they did plan for the trail connection with Monterey but they have finally been able to get the entire trail planned out and would say a lot of this has been due to the new CED Director and City Manager, they have worked very hard on making this task happen. Because they didn't the section of trail with Ivory, it is being presented tonight, the City has worked out a development agreement that they will install from a trailhead on the south end up to the City property and the Ninigret section on the north end. Ivory homes will be installing the trail for the City and have worked it out with them to have that put in by phase 3 of the Monterey Estates subdivision. The trail head to the south that is in part going to be installed by Ninigret and that was done with the City being able to negotiate the improvements there with the dedication and purchase of this parcel, parcel A, that was dedicated to the City at the time that the Ninigret North II plat

was adopted. There isn't anything necessarily to approve, just wanted to bring this to the Commission to be updated and see if there were any questions or concerns.

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Commissioner Rackham asked where the parcel was located. Planner Schow stated it is a trail head off of 700 S, it will have a few parking stalls and then the hope, maybe not immediately, but the City would like to see some fitness equipment there, make it sort of a little biking, walking, pedestrian, exercise, trailhead for the City. It took quite a while to get to this point. Commissioner Vaughan asked if it was passive equipment, Planner Schow stated yes, passive fitness equipment.

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City Attorney Roberts stated just to be clear this parcel is owned by Ivory, so part of the purchase agreement, they are installing the trail and they would also be conveying this acre of parcel to the City, Ninigret would be installing the trail and the parking lot though pursuant to the other development agreement the City had. Commissioner Rackham stated if the City does not agree to it, what happens to the one acre. Planner Schow stated Ivory currently owns the parcel. City Attorney Roberts stated Ivory would continue to own it, they would likely build the trail and then the City would wait until they could work out a deal in the future. In the development agreement if the City doesn't acquire the one acre the contract price for Ninigret goes down, so at least they would not pay for improvements that they cannot have installed. Commissioner Rackham had a couple questions after reading through the agreement. The City is responsible to negotiate with Rocky Mountain Power for rights to put the trail in there and who in the City is negotiating that. Planner Schow stated the City Manager is currently in the process of working with Rocky Mountain Power. Commissioner Rackham asked if it looked like it was going to go through. Planner Schow stated yes, there are trail systems and parks that have been developed by other cities in the power corridor and so he has reached out to the other cities and is following the process that has already been established. Commissioner Rackham stated reading through the document that is a critical piece to the whole thing, if that does not happen then they made agreements with Ninigret the City is stuck with. Commissioner Rackham would also like to add a statement in the document that if they do not get the agreement from Rocky Mountain Power that the entire contract is null and void. Planner Schow stated she can recommend to the CED Director to include. City Attorney Roberts stated they can talk with Ivory and see if they have a concern with that being added to the document.

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Planner Schow stated there are two different parcels of ground, there is a one acre parcel that is going to be established as a trail head and there is another parcel that is part of the whole deal all together and that is where the trailheads meet behind the Syracuse Arts Academy and that was part of the transaction with Ninigret North II subdivision and that is City owned property, that had already been negotiated for. This parcel is owned by Ivory and being negotiated as well as Clearfield City for the site plan, since it is not in the Syracuse City boundaries. Commissioner Jensen asked if they were getting an easement with Rocky Mountain Power. Planner Schow stated it will actually be more like a lease agreement rather than an easement. City Attorney Roberts stated as they get closer to it they will know more, but they know for sure that the City will not be acquiring the property, whether or not it is an easement or a license or a lease, not sure what format that is going to be. If the Commission has any concerns or comments about it they can let staff know and bring it back to the Commission once they have the agreement figured out with Rocky Mountain Power. Commissioner Rackham asked if there were any plans to do something on either side of that trail, plants or grass. Planner Schow stated not within the corridor right now, the trailhead yes, that will be landscaped, not sure of the details on that yet, as far as the trailhead that will be native grass. Commissioner Jensen asked about the property that the City acquired from Ninigret behind the school is there a thought process in moving the trail over like that or a plan for the land behind there. Planner Schow stated there is, the connection to Ninigret on the north, the intent for this parcel eventually and this could change but right now the intent is to have overflow parking for the amphitheater and so the alignment of the trail was place as such so the City could reduce traffic conflicts between pedestrians and cars, there will be access from the east and south. Commissioner Rackham asked if it was going to be a paved access or dirt access. Planner Schow stated they haven't gotten that part figured out yet, the need for the parking lot they don't have the demand quite yet so that isn't top priority, they have the land, the easements and still in the process of working out the access with the property owner.

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Commissioner Jensen asked regarding Jer's Auto came in with their development that they were talking about maybe doing a trail over by them, how does that tie into this parcel. Planner Schow stated the access to the parking lot is an easement though Jer's property and that is what they are working out the details on. Commissioner Vaughan asked if the auto repair project were to not go forward, what would that do this trail project. Planner Schow stated the auto repair does not have any effect on the trail project itself, the trail is getting installed by Ninigret and the easement will remain it is part of the recorded subdivision plat.

[7:32:44 PM](#)

City Attorney Roberts stated they do need formal recommendation from the Commission tonight, because the City is acquiring, proposing to acquire that acre of the Ivory parcel that needs to be submitted for the Commission's consideration or recommendation before the Council can move forward on it, no specific public hearing requirement just for the Commission's recommendation.

[7:33:17 PM](#)

COMMISSIONER JENSEN MADE THE MOTION TO RECOMMEND APPROVAL OF THE AGREEMENT WITH IVORY HOMES TAKING POSSESSION OF THE ONE ACRE PARCEL LOCATED WITHIN CLEARFIELD CITY, DAVIS COUNTY, SERIAL NUMBER 12-766-0004 WITH THE INTENT TO DEVELOP THE TRAILHEAD AND WORKING WITH IVORY HOMES TO DEVELOP A TRAIL TO THE ROCKY MOUNTAIN POWER CORRIDOR AND FORWARD THAT RECOMMENDATION TO THE CITY COUNCIL WITH THE SUGGESTED AMENDMENTS BY COMMISSIONER RACKHAM. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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6. **Adjourn.**

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION. COMMISSIONER MCCUISTION SECONDED THE MOTION. ALL VOTED IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

Ralph Vaughan, Chairman

Stacy Adams, Admin Professional

Date Approved: _____