

## Minutes of the Syracuse Planning Commission Work Session, October 6, 2015

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Minutes of the Syracuse City Planning Commission Work Session held on October 6, 2015, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:**

Commission Members:	Ralph Vaughan, Chairman TJ Jensen Curt McCuiston Troy Moultrie Greg Day
City Employees:	Jenny Schow, Planner Paul Roberts, City Attorney Stacy Adams, Admin Professional
City Council:	Councilman Mike Gailey
Excused:	Commissioner Dale Rackham
Visitors:	Adam Bernard                      Andrew Sherman

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1. **Department Business:**

Planner Schow stated in an attempt to reduce the packet and focus on the items that had outstanding items to work on, reduced the codes that were inserted, everything that they have gone over in the past that did not have changes or needed to be discussed was not included in the packet and is ready to go. Hoping after one last work session all the remaining items they can have one more public hearing at the next meeting and make a motion on all of it together.

Planner Schow stated there are no new applications for subdivisions, but there are a few site plans applications that the Commission will be seeing in the next couple of meetings. There is a lot of inquiry on new subdivision developments but no applications have been submitted as of yet. No new home occupations or conditional use permits that need review. So this is a good time to be doing code amendments and get them wrapped up before they start getting a lot of applications coming in.

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2. **Commissioner Reports:**

Commissioner Jensen stated he attended the last City Council meeting and they had a couple of very interesting presentations, one was from Wasatch Integrated Waste, they have replaced both the burners and doing some upgrades to the facility itself, essentially adding some equipment that will allow them to recycle the waste stream directly as it comes into the plant, sorting the recyclables out of the waste, streamline the process so it works a little better, trying to extend the life of the existing landfill for another 15 years and with the upgrades another 20-30 years.

Commissioner Jensen stated another item the Council discussed was the efficiency audit that came out, it is a lengthy document and made note that some of the departments due to their workload are understaffed, so they are looking into making some workforce changes or other ideas. The efficiency audit report is included in the City Council packet for the last meeting.

Commissioner Jensen stated the Davis County Trails committee did not meet since the last Commission meeting. Commissioner Jensen stated at the annual WFRM conference he attended a panel discussion regarding long term planning committees, the panel recommended the City would have a committee that the purpose would be to look at the City's long term plans/planning and start to develop a long term targets that the City would like to complete at which time and outline all the projects, not just road projects, but improvements to the Community Center and those types of things. Map those out and then get community input to see what is important to the City and using that to come up with a strategic plan. The Mayor or the Planning Commission could initiate the strategic plan initiative, once the City has a long term strategic plan to fall back on then they have very fixed concrete goals, they can identify which projects will get done when and develop a long term plan, makes it a lot easier for staff and the Council because they can use that as their bible.

Commissioner Jensen stated he also attended a panel on the water situation in Utah. Essentially all the existing water resources in Utah are 100% allocated. There are no new water blocks that people can forward, they are either going to have to get a lot more efficient with water use or develop more resources. According to the panel it would cost Utah 19 billion worth of additional investments they would have to make, assuming no push back from environmentalists, because some of those recourses they would be looking to be developed maybe stocking lakes and nature conservancy may have concerns. Going forward we need to be a lot more cognizant that our water resources are finite and we've hit the point where we're using all the ones that have been developed and if we're going to go forward we're going to have to be creative with water use or making significant investments to develop more, even if we develop those additional resources by 2060 Utah's population's essentially is going to be doubled. It was a sobering panel and definitely one as Planning Commissioners we don't think about much but essentially our developers have to come up with water for their secondary water, our culinary water situation in Syracuse is in pretty good shape right now but going forward it is going to

become harder and harder to maintain our current lifestyle where people just water lawns willy nilly and don't really think about where the water comes from because the lake is certainly receding in recent years partially because of the drought and because most of the water that used to go into the lakes that can be captured is being used.

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Commissioner Vaughan stated a couple things in purview of Planning Commission because of the input and regulation of signs but have noticed with the upcoming political season that is rapidly upon us there has already been signs erected throughout the City and there has already been comment on the City website and in Social Media in regards to signs being taken down already. One string of signs noticed in a couple places where the City has been removing political signs for propositions that are posted, but noticed that the removal of the signs from the verge strip between the curb and the sidewalk has been uneven and not the same enforcement throughout the City. As an example of the signs that were in front of the Jr. High School on 2000 W about a half dozen signs, yet the identical sign in the same number is in front of Bluff Elementary School on 2700 S and wondering if it can be mentioned to code enforcement over controlling that, that there needs to be equal enforcement on the signs, particularly when they are political in nature.

Planner Schow stated she will pass the message along to code enforcement, because of the large quantities of illegal signs in the City at the time, the approach has been to begin with the ones that the City has received complaints on. It's not necessarily a matter of unfair treatment, it's just a starting place as he moves through the City, that's where he has been instructed to start with the first complaints received and that is just due to the large quantity of signs that have popped up through the City that do not meet City regulations. Planner Schow will make sure to follow up and continue to apply the code fairly across the City. Commissioner Vaughan stated when it comes to political signs there is a certain amount of sensitivity between candidates and issues that are before the public.

Commissioner Jensen stated that the 6 remaining candidates have been pretty good about keeping their signs where they are allowed and have been very responsible about where they are placing their signs and the City likes to keep the park strip clear of sign per the ordinances. Commissioner Jensen asked if code enforcement had been moved back to Planning. Planner Schow stated yes it has been moved back to Planning and it is a little bit of a time consuming process to shift it between the departments especially as it is coming from the police department, and the CED department doesn't have access to the police records and how it was being tracked, so there is some degree of our code enforcement officer doing a lot more leg work in doing research in what has been done in the last couple of years. He has been given the instruction to start with complaints first and then to work from there. If you see something, even a direct call into him or to staff and can get it over to him as well.

Commissioner Vaughan stated as Commissioner Jensen had mentioned in regards to the types of projects the Commission is bringing to the attention of Council in discussion in regards to budget items and things that are going to be done. In the larger cities in Utah and it's pretty much a common pattern across the United States, to refer to a lot of these projects as capital improvement projects and it is relatively common although not done in the City yet. When the City Council is responding to statements by engineering and public works in regards we have so much money to do so many projects that they prepare a report recommending their order of preference and importance. After the report is prepared and the Planning Commission also has a chance to have some input on it, acting solely as an advisory body to the City Council, where the Planning Commission has a chance to look at it and knowing what we know about planning issues ones that might be efficacious in making recommendations to the City on that. In other Cities this coincides with release CBDG community development block grants that are sometimes given to municipalities and other jurisdictions in regards that happens to be the largest amount of free Federal money that comes in and that makes it very nice.

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3. **Upcoming Agenda Items:**

Commissioner Jensen stated there is a bunch of stuff that isn't moving forward and have been short staffed up until recently. They've been talking for a long time about conditional uses and trying to simplify that code and figure out why the current items are earmarked as conditional use, that is something that has been put on the back burner many times and unfortunately that is one that impacts our residents on a regular basis. The City Council, actually the Planning Commission gets most of the conditional uses these days and staff handles the minor ones. It would be responsible of the Planning Commission as soon as they wrap up residential zonings and general plan to put the conditional use issue to bed, since we've been talking about it for two years now.

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4. **Discussion Items: Municipal Code Title X Amendments pertaining to residential zoning**

Planner Schow stated she listed only the codes that still had changes and moved it to a work session hoping to get the last ones complete and final and then can do a public hearing on all of them, bring them all to the next meeting for an action item and move everything together. The remaining codes and one new one, which is noticing and that was another reason why wanted to talk about it all at once and not have to notice that one code, simplify.

10.20.070 zoning map and text amendments, these were the changes that were submitted by Commissioner Jensen, after reviewing it with the City Attorney, it appeared that the intent was to break them out so there was text and there was map, but they seemed to be the exact same requirements. One item that was new was item E-6, such changes shall be consistent with the current general plan.

Commissioner Jensen stated the reason he broke those into two separate categories is when they are talking about changing the language of the zones themselves that general plan tends to be a City wide change and trying to notify the adjacent properties is a little hard, as an example R-2 zone pervades the entire City so making changes to the Title is a little different than making changes to the map, and made some subtle difference by breaking them into two separate

categories. If the other Commissioners like the way it is now it's up to the Commission, they are slightly different review standards for each, when we change the zone title it impacts the entire City if we make a change to a piece of property that generally affects the people within 300 feet of that property, so it's a little different.

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Commissioner Vaughan asked if these were items that are being discussed or were discussed by the general plan committee or are these separate items that Commissioner Jensen is bringing up, this is the first time hearing of these and generally they get submitted for the agenda. Commissioner Jensen stated Commissioner Rackham forgot to submit these along with the other things, but they did discuss this with the committee. Commissioner Vaughan stated if they came from the committee then the committee should be the one that is submitting them. Commissioner Vaughan asked Commissioner Jensen if he was on the committee. Commissioner Jensen stated as a Commissioner he can submit stuff as well, he is a Planning Commissioner, as a Planning Commissioner that is within his right. Commissioner Vaughan stated to correct him if he is wrong when he was Chairman, this was a committee he established. Commissioner Jensen stated yes. Commissioner Vaughan stated as far as he knows the committee has expired in time and never submitted a final report. Commissioner Jensen stated the final report was submitted by Commissioner Rackham gave a verbal report about what the committee came up with and submitted the materials. Commissioner Vaughan asked if that was the final report of the committee. Commissioner Jensen stated yes, the committee is dissolved at this point. Commissioner Vaughan asked if the item he is mentioning now is in that report. Commissioner Jensen stated it was supposed to be included in that report but Commissioner Rackham did not get everything submitted. Commissioner Vaughan stated again it is on the agenda and it is the first time he is hearing about it. Commissioner Jensen stated no, it was in the packet a couple of weeks ago, they discussed it. Commissioner Vaughan stated one of the things he believes the Chairman is responsible for is setting the agenda items and this is something he was not aware was going to be set on the agenda, trying to keep things by Robert's Rules of Order, do not mind having a discussion on these things but if they are going to be on, they have to be scheduled through the agenda correctly and notice given to all of the members of the Commission, rather than having an item set for discussion in advance.

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Planner Schow stated the changes that were submitted by Commissioner Jensen were included in a previous packet, they were not made as redlines to the code and this is the first time she has had time to convert it over, from looking at it, it appeared that essentially it was just adding the one change, which was added at 6 and then breaking it down separately. Previously they didn't maybe read through it or address it, it has been on a previous packet though. It does fall in line with the general plan amendments, it is a pretty simple change that they could take a look at tonight and maybe see if the Commission agrees with it or disagree with it and if there is validity in breaking it down into text changes verses map changes and if there is enough difference between them to actually do that or if they are just making the code longer.

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Commissioner Jensen stated the other thing is that they started making text changes to the section that by definition changes the general plan because the general plan makes the assumption that the R-1 zone is a certain way and certainly they can change things within that zone, that zone as it was envisioned when the general plan was put together, the Commission may be looking at changing some things. Some of those changes may meet the general plan but with text amendments thinks need a little more leeway on, as far as the map that is the main one they want to make sure that gets tightened up a little bit because a lot of residents when they come to the City, they look at the general plan and more specifically the general plan map and they expect that to be what is going to be in their neighborhood. That was what the committee was more concerned about, they could be considered together but thought there were some subtle difference between the two things that needed to be called out.

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Commissioner Vaughan stated has staff received a copy of all of the recommendations or a final report from the general plan committee, an actual tangible document. Planner Schow stated this was the document they had received. Commissioner Vaughan asked if just the statues, no discussion of them, how they were obtained, who wrote them, why certain things were taken out and any other discussion of the particular item, we just have suggested changes and nothing else. Planner Schow stated it was her understanding it came through Commissioner Jensen on behalf of the committee. As she has read through them with the City Attorney it appeared as if they were basically breaking it out and duplicating it and only adding one new thing. This was in the 9-15-15 packet, not sure if everyone felt like there was enough change that it was okay to go with it, it wasn't redlined.

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Commissioner Jensen stated the only redline was changing 'a' to 'an', everything else is the same, all the stuff in blue got added, that is the existing language with the blue added, so don't know if you want to call it a redline copy but that was the only change. Commissioner Vaughan stated one of the reasons he asked this, if there was any other supporting documentation for this because in looking at what they have before them in the packet, he has not seen an explanation of what red, red with a line through it or blue means as far as anyone who wants to pick up this document and peruse it, it is somewhat confusing on what the code is, if it's black, what the blue is, the good stuff and the red means the hot stuff and the stuff with the red line through it means we changed our minds and don't like this.

Planner Schow stated the easiest thing would be to discuss it right now and decide whether or not the Planning Commission feels like this text amendment is. Commissioner Vaughan stated they need to be as clear as possible; there is no more important singular document in this City than the general plan. Planner Schow agreed. Commissioner

Vaughan stated if there is anything that needs to be crystal clear by everybody that deals with it, has to be the general plan. Planner Schow stated what the recommendation on this code was prior to converting it into a redline copy of the code, did not fully understand the concept of what was going on, basically the code says a decision to amend, the text of this title or the zoning map is a matter of legislative discretion by the City Council and not controlled by any one standard, however in making amendment the City Council should consider. What this recommendation is saying that, it wants the Council to apply these items to either a text amendment or a zoning map amendment. Planner Schow's understanding is the committee was recommending that we break that out and say for a text amendment the Council should consider these things, for a zoning map amendment the Council should consider these things, didn't really see a big difference and that it needed to be broken to out for the two different items, the only addition added in blue was, 'such changes shall be consistent with the current general plan', that is what Commissioner Jensen is explaining what the reasoning was for breaking them down.

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Planner Schow asked Commissioner Jensen what the difference are, everyone could vote on that. Commissioner Vaughan asked who wrote the blue, staff or committee or Commissioner Jensen or who. Planner Schow stated staff did not. Commissioner Jensen stated that came from him and that was based on discussions with the committee. Commissioner Day stated he thinks it is a great addition and would be supportive of that. Planner Schow asked Commissioner Day to clarify number 6 or breaking them out. Commissioner Day stated number 6 the way it is listed in the packet. Planner Schow asked Commissioner Jensen to clearly tell them exactly which items were different and how and why for text verses map. Commissioner Jensen stated essentially it is C & D under the first part, generally the language covers multiple areas of the City so if they are making those changes they need to look at those areas of the City that those zones fall in when making those decisions and the other one which is essentially new, talks specifically about overlay zones, more specific which was the intent. The idea being that we want to make sure that when they are making changes to like R-1, R-3 or commercial that they are looking at the character of the existing developments that are governed by those texts, that is the major change, the other stuff is essentially a duplication of the other section. The second part 4 standards they look at with the general plan, with the map being a hard one, it used to be 5 things, now being 4 things, and one looked like it didn't apply which is why he reduced it to 4.

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City Attorney Roberts stated it sounds like he is saying under subsection 2 and subsection 3, want to make sure with any text amendment it is not only consistent with the overall character of existing development in the vicinity of a subject property but also any property that is already subject to the zone text. Commissioner Jensen stated correct. City Attorney Roberts stated if the Commission would like they could add in a little bit of language at the back end of 2 and 3 that just makes it clear that is to be the case, it would be a clause at the end of both of those that could be added pretty easily. Commissioner Vaughan asked if the City Attorney has had a chance to review this document, the City Attorney stated yes. Commissioner Vaughan asked if he saw any problems right off the bat for them. Commissioner Vaughan stated he admires Commissioner Jensen's ability to write in planning language, very few people know how to write an ordinance the way before them, if this came from the committee he is really impressed by the committee that is able to write an ordinance as clear as they way that this is, especially if it passes the muster of the City Attorney and wondering where it came from, is this from the committee, the committee came up with this. Commissioner Jensen stated this was based on the committee's discussion, the committee specifically discussed this and what they wanted and he had to put it into language for the committee and he did send it to Commissioner Rackham and unfortunately he forgot to include that along with the other stuff from the committee, the committee did get a chance to review those.

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Commissioner Day stated he feels like they are high centered on this issue. In an effort to try to get through this and not sure what they need to do, just feel like they are high centered on this and sort of debating issues, he prefers they move on at a more expeditious rate. Commissioner Vaughan stated it is a shame that Commissioner Rackham isn't here as a chairman of that committee he would have been the perfect person to go through and give that to them because he was at every meeting and is quite familiar with every word, phrase and thought that was had on this. Part of the complication to this is he doesn't know if everyone on the Commission had heard this, but in the most recent City newsletter the Mayor announced that he is going to be holding public hearings to receive input from the general population on the general plan and in his thinking of the way that we do major revisions especially to the most important document, is you hear first from the citizenry to get their ideas, what they are interested in talking about, interested in changes and then run it through a committee or a sub body or staff to review what those things that can be done and then after those are done to have those written up in a such a format and be presented to the Planning Commission for their consideration on this. This process is running out of sequence and normally the way it is done is they had a committee, they had several meetings, a year and a half of meetings, very smart minds on that committee that were there and looking at the output from other meetings and now some of the stuff that they have done possibly may be over ridden by citizen input, hearings held by the Mayor and or other people on the staff, don't know if staff has been appraised of this other than typing it up for the City newsletter and then to be brought back as opposed to the idea of us bringing a general plan to the City Council to have them look at it and then simultaneously we have citizen committees being held to review the same document it just did not seem like a good way to do the public business.

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Commissioner Jensen stated first off wanted to point out the general plan committee those meetings were open, they were advertised, everybody was invited to attend those meetings if they were interested. There was some talk about essentially doing a suret (sp) where people would come in and talk about the existing general plan and they didn't have a lot of interest in that at that time, worrying about citizenry, no one was really all that interested. The intent of the general plan committee was to submit a completed document or submit the recommendation to the Planning Commission, which has been done and then from there the Planning Commission would look at those recommendations and decide what they want to do with them. If the Mayor wants to form a committee on the general plan that is certainly within his purview but as far as the recommendation of the Planning Commission we have two choices. We can basically say that we refuse to review the committee's recommendations and submit those to City Council or say this is what the committee recommended with the Planning Commission's input and they can use it for a starting point for when they open the general plan for citizen review and don't think they are necessarily opposed to each other, the citizenry needed something to look at and the general plan committee provided this. Unfortunately we didn't have the citizen input that we would have liked to have had, but that is not to say that we still can't get it. If the Mayor is going to move forward with this in benefit to the committee members that put in the year worth of hard work in these recommendations at the very least they do need to go to the City Council and then City Council can decide what to do with them from there.

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Commissioner Day stated this is a very tired subject, they have been talking about it for very, very long, feel like they are trying to heard cats tonight in that sediment why don't we just pause, do not want to sit there another 2 hours and debate to debate, either they have the recommendations, we go through them, we discuss them or they push pause, trying to facilitate the discussion here tonight.

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Commissioner McCuiston stated the general plan as he understands, is not in the packet tonight. The general plan text, we've gone through and is assumed to be ready to go to the City Council for the Mayor to take to the public, what they are looking at are ordinances in Title X and specific text in those ordinances, it refers to the general plan but the general plan and the discussion about changes to the general plan aren't even in the packet. The general plan to his understanding is ready to go to the public for their comments just like described the committee gave them some suggestions on the general plan, they have incorporated and or changed and it is ready to go. They are going through some more Title X texts that are ordinances, the committee and the Commission to go through the Cluster and a few remaining. So he would like to go through the ordinance text that they have in front of them, the general plan isn't even in the packet.

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Commissioner Jensen stated he thinks at this point, this recommendation has been put forth, if he Commission wants to go with the suggestions of Planner Schow maybe take a straw poll if they want to recommend this that is up to the Commission as a whole. As far as everything else in there it is ready to go, only has one other minor change and wants to talk about when they get to Cluster, doesn't have any other changes and thinks they have a lot of good work there and that the recommendation other than this one issue is ready to go.

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Commissioner Day offered the first vote on the straw poll, he would go with Planner Schow's recommendation. Commissioner Moultrie seconded. Commissioner McCuiston agreed. Commissioner Thorson agreed.

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Planner Schow stated the general plan that was submitted by the committee that they have seen is under review by staff, the Mayor wants to schedule a series of Town Hall meetings for the residents, so staff is working on comments of the general plan that was submitted and then they will all be presented together with Town Hall meetings so they can ensure that the public does have opportunity to input and then when a document is put together with the committee recommendation, staff recommendations and the public's recommendations then it will come back to the Planning Commission for review and then eventually move on to the City Council.

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Commissioner Jensen stated he does have an issue with that because the general plan does definitely follow to the purview of the City Council so he would highly recommend because it was eluded that several Commissioners have submitted some suggested changes to the existing document and think those changes the Commissioners have suggested do need to be put forward for the public. Short circuiting the Planning Commission out of this process is a bad idea and think the recommendations from the various Commissioners on the text that was submitted to this body in previous packets think that should be part of the public's consideration.

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Planner Schow stated no one is trying to skirt around the Planning Commission when staff has had sufficient chance to make comments and reviews that, it will come back to you, but in addition they also want to get public comment before it moves on. Commissioner Jensen stated he is not saying they move it on, but he would certainly like to see the Commissioner recommendations be included in those Town Halls. Planner Schow stated they will.

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Planner Schow stated moving on to Cluster, the items that were changed have the tracking bubbles on the right, so anything that was changed, should have that on the right hand side. This change was a recommendation by our Director

to remove the word 'imaginative'. No objections. The next change has been in there multiple times but they haven't actually addressed it. Adverse effects on adjacent properties was noted to be a little bit vague. City Attorney Roberts stated his comment looking at that if they are requiring them to prevent any adverse effects that is pretty broad, that is kind of vague, maybe say mitigate adverse effects or something like that so it is not saying you cannot adversely effect, anyone could say the project is diminishing the value of their property and that is an adverse effect.

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Commissioner Jensen stated he cannot speak for Commissioner Rackham but knows he certainly tried to put this to words, he thinks the word mitigate the adverse effects of adjacent properties would work. The reason they were trying to leave that as fairly strong is the idea is that Cluster is still a conditional use, so that is giving them the language to allow them to oppose those conditions, that is why they wanted to make sure it is strong enough that they can talk about the effects but certainly don't want to lock out the developer in the process. City Attorney Roberts stated when dealing with conditional uses it is all about mitigation, so that would make him more comfortable if they could put mitigate adverse effects. No objections.

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Planner Schow stated the next change was on the development shall provide 50% open space, a minimum of 10% of the open space shall be common space. No objections.

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Planner Schow stated the next one simplified, open space may include agriculture areas, recreation areas and the wetland preserve. Commissioner Jensen stated he is trying to envision a farmer selling off his 10 acres and trying to hang onto 4 acres for farm land basically, wondering if anyone would actually do that. If someone is trying to setup a ranchette with horse property but not thinking as far as the Cluster is concerned not sure about an agriculture Cluster brings a lot of questions which is that open space is supposed to be kind of for the benefit of all the residents but if it an agriculture use then it for the benefit of really one person or one family or one business, should they include agriculture.

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Planner Schow asked if the open space supposed to be maintained by the HOA. Commissioner Jensen stated it would be the HOA or the farm owner. Looking at the map and the remaining R-1 wondering if anyone is going to farm in that area, he is not all that optimistic about it. Commissioner Day stated he doesn't see that type of application occurring. City Attorney Roberts stated community gardens are pretty popular especially in urban areas, so if there was a development like this and they wanted to keep a large swab of it agricultural, there could be a community garden there. Commissioner Jensen agreed that would be a common use and makes sense. Commissioner Day stated he does not see someone buying property from a farmer to develop it and let the farmer continue farming, do not think the developer would buy the property, maybe something they are overthinking. Commissioner Jensen stated maybe change it to agricultural uses, but not for farm land. Commissioner Day states he thinks they should just leave it as written, it is impossible to forecast every scenario and almost fruitless.

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Planner Schow asked regarding open space if not used for agriculture or wetland preserve, then it is required that it needs to be fully landscaped, does that in turn automatically make it common space then. Commissioner Jensen stated do they need to mention maintenance, should be developed and maintained with approved amenities. Planner Schow stated if that was the intent if they City wanted to accept it as a park, where the HOA wouldn't have to own and maintain it.

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Planner Schow stated next item sidewalks and park strips, where they had the open discussion on how to handle this, met with the City Engineer to discuss right of ways in the City's standard right of way requirements. This one is a little bit tricky. The changes that were added, one sidewalk shall be a minimum of 5 feet wide and meet the minimum ADA standards, the City is moving their standard to 5 feet wide. Park strips shall be a minimum of 10 feet wide, the Planning Commission wanted it to be a total of 15 feet, and this makes it simple and clear. Meandering sidewalks shall be no closer than 5 feet to the back of curb. Commissioner Jensen stated when it becomes a meandering sidewalk, how are they measuring the park strip, cause it goes from 10 feet to 5 feet to 10 feet. Planner Schow stated the side walk would meander in the 10 foot park strip so it would at no point go closer than 5 feet. Commissioner Jensen stated the idea was that the park strip, the grass strip, is supposed to be 10 foot wide, as long as it is a 15 foot right of way including a 5 foot sidewalk. Commissioner Day asked if they are requiring meandering, because meandering is a terrible idea. Planner Schow stated no, it is an option. Commissioner Day stated it is a terrible idea and if the City accepts those, it is a terrible idea. Commissioner Jensen just wanted to make sure the language stated that correctly. Planner Schow it was changed because the City is changing their standard sidewalk to 5 feet wide. Commissioner Jensen asked Commissioner Day if he was saying meandering sidewalks are bad for maintenance. Commissioner Day stated yes, when people walk they walk in a straight line and ruins the grass, when you plow, you plow in a straight line, for practical and all intents and purposes meandering sidewalks area bad idea. If they are not required, then they won't see them. Commissioner McCuiston stated it should be an option but not very many people do it, it is a nice feature and adds some visual interest for an architect, engineers would fight it. Commissioner Day asked how many school children are actually going to ride their bike like that, they are going to go straight, we are belaboring this way too much, the way it is written is fine. Commissioner Jensen stated they could add optional to the language.

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Commissioner Jensen stated he has a simple additional to K, would like to add bike paths to trails system/walking paths, they want to encourage bike paths as well and that would give the developer more options. Planner Schow stated she could add that. Commissioner Jensen stated that if they are in a situation where it doesn't tie in with the City trails plan but maybe a bike path might be an amenity they want to do.

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Planner Schow stated next change was a question from the CED Director, can all units be identical. Commissioner Jensen stated they want to make sure there are three or four different options, they could be identical within the subset, but there needs to be a subset. Commissioner McCuiston stated not a bunch of the same ones in a row. Commissioner Day stated it is fine the way it is. Planner Schow she will leave it the way it is.

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Planner Schow stated do they want to request material samples with the applications, they don't require Cluster to go to the architecture review committee and comment from the Director. Commissioner Jensen stated in their last discussion that maybe it was a PRD or talked about that going in front of the ARC, but that never went anywhere. Commissioner McCuiston stated they are not going to look at material samples. Planner Schow stated the Council adopted the architectural review ordinance without requiring the Cluster and the PRD and multifamily to go to the ARC. Commissioner Day stated he is good with the slide shows that show the concepts, but they do not need to require it.

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Planner Schow stated she put in her staff report a crazy recommendation, this is completely up to the Commission but if they are only allowing Cluster in the R-1 zone, how would they feel just making it a density increase as an allowed use as long as they are meeting all of these regulations. The requirements are set in order to get the bonus density, it is only allowed in that one zone, it is making it a conditional use permit, they have never added any kind of extra conditions what so ever, it is just an extra step for staff to have to make them apply for the permit and bring it through. The majority of time it has come the Commission at preliminary, even seen it at final.

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Commissioner McCuiston stated he would rather developers not see the option for Cluster unless they are looking for them and leave it out of the R-1 and have it as separate zone, you'll get developers in R-1 trying to mix. Planner Schow stated from what they are seeing the majority that are coming through are wanting Cluster in the R-1. Commissioner Jensen stated under the current regime as Planner Schow pointed out if it is a conditional use they can allow it, they would just impose conditions, unless it is such a use there is no way you can mitigate the adverse effects, at that point maybe they could deny it, but that is such a high bar that would never get met. If they wanted to limit Cluster specifically instead would make Cluster an overlay zone which would overlay all of the R-1 and essentially they would have to apply for a Cluster with essentially a zone change, not sure if it gives the City any more authority the only thing we could do is get a development agreement out of it. City Attorney Roberts stated if they are looking at restricting Cluster it makes a lot of sense to have it be its own zone, because the zone changes, the legislative act, they have no sort of property interest or any sort of expectation that that zone change will occur. If they have something as a conditional use then assuming they can put it in and mitigate those adverse impacts of the development, they get the approval and if we deny the approval then they go to court and judge tells us they got the approval. Looking at the Cluster subdivision it felt more like a zone than a conditional use, a conditional use is limited noise, sound, other sort of nuisance and adverse effects. In this case they are giving it a density bonus, so it makes sense to either put it into the R-1 as a bonus or have it be its very own zone where they have to apply for it and they have to convince both the Commission and the Council that it is a good idea.

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Commissioner Jensen asked about making it an overlay zone how would that change it. City Attorney Roberts stated making it an overlay zone that is available and they could apply for it. That would be a legislative act, it would be a zone change, they would have to apply for it, the one problem that they potentially have is with the amendment with the general plan that they cannot deviate from the general plan map that could be a problem especially because it would also restrict zone map changes. Commissioner Jensen stated was asking if they make it a Cluster overlay zone on top of the R-1 then that could be included in the general plan map and just basically R-1/Cluster overlay, but if it is over all the zones, struggle with once it is on the general plan they kind of have to give it to them unless they have a good reason not to even if it is an overlay not sure if it gives them any more authority or not. Commissioner Day stated how do they struggle with that, if it is on the general plan, how do they struggle with giving it to them if it is on the general plan. Commissioner Jensen stated if they are trying to stop Clusters unless we want, his ideas on this and if as Planner Schow stated that everyone is looking at R-1 Cluster right now, don't think that is a bad thing and the reason is because it is preserving 50% open space and the density is no worse than the R-3 on the other 50%, so the overall density is still R-1 because it basically just doubles the density on half the acreage, but think they are gonna get a much better looking product out of an R-1 Cluster than they have now, as it stands now it is not a bad thing. What happened with Still Water is a completely different thing but think that the way that Cluster is written now, it is a product that they would want, they might want to start thinking about preserving some open space in Syracuse and this would be the zone to do it with.

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Commissioner Vaughan stated in 10.08.010 purpose, we have stricken agricultural, yet we have retained agricultural in 10.60.080 when defining Cluster bonus. Planner Schow stated that was an error and will fixed in R-1. City Attorney Roberts stated when it comes to where do they put this Cluster, it is up to the Commission to decide is this something that

is a desirable use or is it something that they really don't like. If it is something they don't like it, why include it at all. Commissioner Day stated they need to keep it as it is currently written as a conditional use within an R-1. City Attorney Roberts stated with the understanding that as long as a developer can come and meet the reasonable conditions then it is a permitted use essentially. Commissioner Day stated the problem they foresee is that they will never change the general plan to put Cluster on a piece of property, it will never happen. If it is made into its own zone then it is not in compliance with the Commission is moving on the general plan, they will never designate property on the general plan as Cluster, will not happen. So if the body wants to have a Cluster it has to be contained within the R-1 zoning as an conditional use, so they have the ability to mitigate it.

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Planner Schow stated she can agree with Commissioner Day on where the body is moving with the general plan that this is probably is the easiest way. Commissioner Moultrie stated leave it like it is. Commissioner McCuiston stated Commissioner Day makes a good point. Commissioner Jensen stated as the zone is written now doesn't think it is going to be a big issue. Trying to keep green way within the rest of the R-1 zone, where people can enjoy the open space and this zone accomplishes that.

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Commissioner Vaughan stated he thinks it is a fine line when they talk about not allowing something to happen, there are ways to work things in such a way that might be difficult or because someone lacks imagination but there have been areas just an example duplex, there might be some people who hate duplexes and wouldn't want to see one on the face of the earth but according to fair housing act, we cannot say they cannot have duplexes, but there are ways to write the code in such a way that they are still permitted but they have to jump through a number of hoops to make them palatable to this Commission to a City Council and populous, same thing with a Cluster subdivision, they may hate cluster subdivisions but they cannot specifically legislate by passing a code against them, they might be facing the same decision on R-4 at some later date. Some people dislike R-4, the word apartment, but on the other hand they cannot say that there cannot be any apartments, just ways to work around it, just need to be careful in how they structure that.

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Commissioner Jensen stated he disagrees a little bit with him on that when talking about duplexes are one thing, but they do not have to allow Cluster subdivisions in the City if they do not want them. They can very easily take it out of the code and that would be the end of it. In fact at one point the City did exactly that but they were talked into putting it back in and unfortunately they did it so quickly that they ended up with Still Water and it is not necessarily completely a bad development but there are number of Commissioners who feel that really abused the purpose of the Cluster zone and they have tightened that up considerably. Wondering if staff has the ability to research within the next couple of weeks, that R-4 is included in the recommendations, curious to see what density the developments that are currently R-4 ultimately achieve, don't think they achieve 14.52, if staff could provide a maximum density number for existing R-4s, that is the number they should include.

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Planner Schow asked if they could do a quick straw poll if the Commission is okay with a CUP. None opposed. Planner Schow stated no more changes, she will bring a back a clean copy for the next meeting. Planner Schow stated if she can figure out what actual densities achieved she will bring those figures. Commissioner Jensen stated if it lower than 11, he would like to lower it to whatever maximum density was achieved within a whole number. Planner Schow stated the biggest thing here was that they were just making the decision whether to add the R-4 so that they had zoning regulations for the current zones but not allow it, in doing that, this is what the code would look like with just the basic changes. Commissioner Jensen stated he does like the red text. Planner Schow stated changing the density to gross and stating this zoning shall not be permitted for new development and is only applicable to the existing R-4 zones on the zoning map. Commissioner Vaughan asked if this would be a time to discuss rezoning those prior R-4 properties to match or meet current zoning, before getting into the changes, is to find out the basic philosophy would be of the Planning Commission as to whether or not they should reinsert the zone. Planner Schow stated those were the only minor changes to the R-4 zone, the rest is the same code as was before, so either way there are no other changes to review. The discussion is definitely whether or not to readopt R-4 or re-zone.

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Commissioner Jensen stated the closet zone they would have is PRD but think that the Council would ask for R-3. The thing he likes about readopting the zone it is not going to require a lot of public noticing, if they go to change an existing zone then they have to notice all the effected properties within 300 feet of those properties, so there is an expense that goes along with a zone change, this would just be advertised as general public notice that they are adding a new zone, but they don't have to notice the entire City individually, it is more cost effective to do it this way.

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Commissioner McCuiston agrees and in addition the contention that they would have from people being rezoned. Commissioner Day agrees as well. Planner Schow stated the thing that is nice in zoning is, the Commission has the right to say no, so even if they miss that in the red, which staff will surely point out to anybody who seeks and application for this zone, regardless the Commission has the purview to say no anyway. Commissioner McCuiston stated Planner Schow's wording is great. Commissioner Jensen stated he likes the wording a lot and good job. Commissioner Vaughan asked the City Attorney are there any legal precedence or distinguishing items on this as far as having or not having an R-4. City Attorney Roberts stated the most important thing is that property have zoning text attached to it, without that there

is significant danger of unfavorable uses locating there. The general rule in zoning is if it is not prohibited, it is allowed. It is important to get those parcels governed by zoning texts, whether it is done through R-4 or through a zone change are both legal ways to do it, it would be fine anyway. Commissioner Vaughan asked if there was any time that someone could say that a body like the Commission is dragging their feet or delaying something or would this be something that would have to be acted on within say 90 days, 180 days or 360 days. City Attorney Roberts asked what actions he was referring to. Commissioner Vaughan stated as far as adopting this, reinserting R-4, if they chose not to reinsert R-4, in what period of time would they have to rezone those prior properties. City Attorney Roberts stated he doesn't think there is a time limit to be in there, but anyone who has a parcel there would be able to apply for any number of uses that would not be compatible with the neighborhood, so that would be unwise, it would be better to move on it. Commissioner Vaughan stated based upon what their surrounding zoning is. City Attorney Roberts stated there might be some restrictions but a lot of uses could go in there, there could be commercial uses, industrial uses, if the zoning code doesn't prohibit it, they can put it there, there might be some specific uses disallowed but it is very crucial that some text be attached to it, either through R-4 or through a zone change, that needs to be happen pretty quickly to avoid that type of situation.

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Commissioner Vaughan stated what he was asking for is to suggest the best way that they avoid a landmine. Commissioner McCuiston stated is to get this done quickly. City Attorney Roberts stated putting the text in is fine, that is a good way to do it, the other way would be to change the zone, both ways are acceptable. Commissioner Jensen asked Commissioner McCuiston and Moultrie, if they want to do R-4 or something else. Commissioner McCuiston stated he remembers discussing this at length in at least 2 different occasions and they always come back to this same and when it comes before us and then we debate it again for another half an hour, he is fine with the way it was written, that is how he told them to do it last time. Commissioner Day stated our monthly discussion on R-4 always turns out that way, so let's just leave it for now. Commissioner Jensen advised the City Attorney they have two other zones that are hanging out there right now, open space recreational and institutional, any examples he could bring forward so they could look at those at some point, so they can actually codify those zones. City Attorney Roberts asked if those were on the zoning map and there is no text underlying it. Commissioner Jensen stated yes, there are no text to the two zones. City Attorney stated they can bring some language for proposed uses. Commissioner Jensen stated there is no immediate hurry but if that zone was somewhere else he wouldn't mind seeing it. Commissioner Day stated he doesn't think anyone is going to rezone their property to open space. Commissioner Jensen stated no, but if they have an open space zone on their property, as it stands right now, they could build anything they want on it, which is why they need to restrict it. Commissioner Day questioned that they have zoned things without text. Commissioner Jensen stated they have two zones that do exactly that. Commissioner Day stated they zoned it and it didn't have text. Commissioner Jensen stated the previous Planning Commission did, usually the institutional gets changed once a church gets put in or whatever or a school, it gets changed but they have never actually defined that zone.

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Planner Schow stated they will put together text and bring that to the Commission. Commissioner Vaughan stated if they like R-4, he compliments staff on reinserting it back in and it is up to the Commission to refine what they have before them in the best possible way on behalf of the City. Commissioner Jensen stated he thinks they are ready to send those forward.

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**Discussion Items: Municipal Code Title X Amendments pertaining to noticing**

Planner Schow stated noticing requirements the City Attorney did the changes on them, updating to comply with State code 10.9a and did provide a link if anyone wanted to read through them. City Attorney Roberts stated he was asked at a previous meeting to put in some language dealing with the open amendment period as he was looking through the noticing, it was a bit confusing and kind of lengthy so he reorganized it and made better categories and easier to read. Going through the State code and made sure it is compliant with the State code. Under subsection 3 the major conditional use permit application, State code doesn't actually require a specific 3<sup>rd</sup> party notice for that meeting or hearing, it has traditionally been the practice to do that as well as site plans for the City, it is not required by State code. One concern with having the public noticed with a site plan review is a lot of people will show up and just oppose the use and there is no use in doing that because they will just be frustrated because they are there to decide the use, it is already in a permitted area, so let's not specifically send letters to people and get them thinking they can oppose a use. The same could be said for major conditional uses the only difference there is they might have some neighborhood concerns, concerned about a driveway or vehicle traffic which could be taken into consideration. Make sense to make sure that the people who are going to be impacted by the conditional use get a chance to come and let the Commission know their concerns. It is important for the Planners or myself who is here to start out the presentation by letting people know this is a conditional use so this is essentially allowed, the question is what restrictions is the Commission going to put on it to make sure that it doesn't have a negative impact on the residents. Under subsection G, sub 2, the general plan open amendment period requires the 90 day noticing provision and it is the same in subsection C which means it would be put in the newspaper, on the public notices website, mail notices to the affected entities and put up in 3 locations in the City or on the webpage. This makes it easier to read and staff to apply it also, which will have a chart but made more sense to lay it out this way.

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Commissioner Jensen asked on the clean version, sub A-1, at least 3 days prior to the meeting, is that something new. City Attorney Roberts stated that is from State code regarding land use issues, so it might be something new to this code. Commissioner Jensen stated it used to be 24 hours, but is okay if that is what is in the State code. Commissioner Day stated it is great and provides a lot of clarity that perhaps has been lacking.

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Commissioner Jensen stated he has another item he wanted to bring up that he gets shot down each time he has brought it up something a lot of citizens and myself tend to agree with that when a public hearing is posted the materials that are associated with that public hearing should be available on the City website and staff has fought him on that because of timing requirements but as far as he is concerned and the citizens he has talked to if that means they have to delay an applicant two weeks so be it, it is just for that one public hearing, but they have a lot of public people comment to him personally and in meetings that they get the notice, but they have no idea what the notice addresses, it just says there is a zone change but it doesn't give any idea what is being proposed but they don't have a frame of reference to research. Planner Schow stated doesn't quite know where the fight is coming from staff, all of the information that is submitted to the Commission is also available to the public at the same time. Commissioner Jensen stated that doesn't come out until the Friday before the meeting, the public hearing was advertised 10 days in advance, but citizens go to the City website there is no information at that time when they see the public hearing, they have to wait until the packet comes out which can be 24 hours before the meeting and that has caused a lot of concern among some of the resident he has spoken with. Planner Schow stated the packet has never come out 24 hours before the meeting. Commissioner Jensen stated it could. Planner Schow stated there have been amendments, but there are generally very minor.

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City Attorney Roberts stated under State code the City doesn't have to provide the packet at all. Commissioner Jensen stated he knows but Syracuse should set itself to a higher standard. City Attorney Roberts stated if he wanted to have a higher bar that is his prerogative. Commissioner Jensen stated he was just bringing it up for the benefit of the body. Planner Schow stated that might be something to address with the Planning Director if he wants to change procedures for the department that would be something to discuss with him directly. Commissioner Day stated that should be something that should be brought up outside this meeting, that discussion. Commissioner Jensen stated essentially the residents have been disappointed on multiple times, which is why he is bringing it up, which is why the residents would like to get in that 10 day period, there is no reason that, they might have to delay an application for one meeting that they couldn't be included in a public meeting. Commissioner Vaughan stated one possible solution might be a separate section where Planning Department has control over a section of the City website, the official City website, to make sure that at least their documents, their notifications are put up in a timely fashion, because there are portions of the website Planner Schow stated our department is responsible for the Planning Commission information on the website, Stacy and I both manage that and Noah as well. Commissioner Vaughan stated it might be nice if they had it some place on the front page where they pick up the bottom 2 inches of the front page or they have a major heading on the left column. Planner Schow stated this might be something that may be addressed with the CED Director. Commissioner Day stated staff is trying their best on this, don't think there is an intentional thing or any implication that there is an intentional thing, it is just not quite accurate, there may be instances where things may have been brought up later to submit, but maybe this needs to be brought up off line outside of this meeting. Commissioner Vaughan stated clearly it is not intentional. Commissioner Jensen stated whether it is intentional or not it is a concern of our citizens. Commissioner Day stated whether or not it should be brought up offline, his interaction with staff has always been great. Commissioner Jensen stated that they are changing noticing now so if they are requiring materials associated with the public hearing shall be posted on the City website at the time of noticing, this would be the time to do it, this would be the section that they would amend. Planner Schow wanted to point out real quickly that materials for the Planning Commission are posted to the City website as a direct link and done the exact same way as the City Council, if it is a change it needs to go to the Director. Commissioner Jensen stated the City Council would be ultimate arbiter on this anyway. Commissioner Vaughan stated at the bottom of the primary page there where the public notices is, if the Planning Department had control of that section it might make it a little bit easier then notice is being given properly. Planner Schow stated that is the link to the Utah Public Notices website that both the Planning Commission and City Council post to and then in addition to that we do put the public notices on the Planning Commission webpage as well as the City Council put them on the City Council webpage. It is very taxing to have them on the front page itself, it is far more organized and people have a way to go back and find them easier, rather than have it pop up for a short time on the front page and then change, so this is a way to always have access to them regardless of how long it has been. Commissioner Jensen stated they could do both. Commissioner Vaughan agreed it is nice to have both, it is his experience that 50% of the population wants to find it the easiest possible way. Planner Schow stated she would be happy to do it however the Director wants it set up so this is something that could be brought up with him, and will pass it along. Commissioners Jensen stated the way they are doing it is the way they are doing it but some other Cities do post their public notices on their front page, we have the links which is fine, but they will actually put the text, they include that on the front page. Commissioner Day stated his thought process on public hearing, the people that come and the people that are complaining are those that are mad, so regardless what we do no matter how simple we make it there are going to come here and say that we are not transparent, currently the information is specifically available on the website and we can try and try, but if they have problems they should be brought up to the Director and have a better way, but we as the Planning Commission don't dictate the City website. Commissioner Jensen stated this is being forwarded as a suggestion right now it is something we wouldn't codify.

Commissioner Day stated correct and just occupying time that probably doesn't need to be occupied, so if you have a problem just bring it up with the Director and get that resolved. Planner Schow stated she would certainly pass it along.

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Planner Schow stated if they are good with all the code she will notice a public hearing for everything listed on there, include every single one of those redline copies in the next packet and be prepared for them to make a motion. Commissioner Day thanked staff for all they do. Planner Schow stated for future reference and the hard part as they do code amendments if the recommendation come from the Commission as a body but City staff does the leg work and types up the changes rather than having them submitted and then staff trying to figure out what it is. It has been done the previous way in the past and would like to keep to that and not start setting a precedence of having individual Commissioners submitting code amendments, it is hard and confusing and kind of taxing, so if there is no opposition if they could work through them, direct staff as a body and then staff would make the changes for the Commission and bring them back. Commissioner Jensen stated he does not want to restrict the Commission in that way but it is up to the Chairman, he is the one who controls the agenda. Commissioner Vaughan stated excellent job Planner Schow, very difficult and have done a very good job with the presentation.

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5. **Adjourn**