Minutes of the Regular Meeting of the Syracuse City Planning Commission held on September 15, 2015, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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| **Present:** | Commission Members: | Ralph Vaughan, Chairman<br>Dale Rackham, Vice-Chair<br>TJ Jensen<br>Curt McCuistion<br>Troy Moultrie<br>Greg Day | |
| | City Employees: | Jenny Schow, Planner<br>Paul Roberts, City Attorney<br>Stacy Adams, Admin Professional | |
| | City Council: | Councilman Mike Gailey | |
| | Excused: | Commissioner Dale Rackham | |
| | Visitors: | Ray Zaugg<br>Jeremy Hughes<br>Melissa Johnson<br>Andrew Sherman | Adam Bernard<br>James Clegg<br>Bill Johnson |

6:04:25 PM

**1. Meeting Called to Order:**

Invocation given by Commissioner Moultrie. The Pledge of Allegiance was led by Commissioner Vaughan. Commissioner Jensen wanted to point out on item #4 the property indicated on the aerial is different than what is indicated on the zoning map, it is a couple lots to the south.

COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR SEPTEMBER 15, 2015 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MCCUISTON. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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**2. Meeting Minutes:**

July 7, 2015 Regular Meeting and July 7, 2015 Work Session Meeting

COMMISSIONER THORSON MADE A MOTION TO APPROVE REGULAR AND WORK SESSION MEETING MINUTES FOR THE JULY 7, 2015. COMMISSIONER JENSEN 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 ides, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

Ray Zaugg, Syracuse, stated he noticed on the agenda they ae working on the zoning on the new revised general plan and noticed on agricultural properties it shows .5 per gross acre and believes they have .4. Commissioner Jensen stated that was he proposed change. Ray Zaugg stated it was still showing in the document as .4.

Mike Gailey, Syracuse, member of the City Council, would like to thank the Commission for their hard work on the general plan and the City Council is very eager to see what they've done and thank them for their hard work and work of the committee, the Council is eager to hear their input. Thank you for what you do.

Bill and Melissa Johnson, Syracuse, wanted to know if this is the only property that is being rezoned because they are in the house directly across the street to the north and are concerned about the lot behind that. Planner Schow stated the map is correct, the aerial is incorrect and what was sent out to the public was accurate.

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**4. Public Hearing - Rezone** Andrew Sherman, from R-1 to Neighborhood Services, property located at 1317 S 2000 W

Planner Schow stated at this time there are no concerns with the rezone request other than proper procedure for noticing requirements which unfortunately did not happen and will make sure that it is notified properly for the next meeting. The only saving grace with this is it would not go to Council any sooner than if they saw it at the next meeting. The aerial will be amended for the next meeting.

Commissioner Jensen asked if it was not noticed in time or the notice showed the incorrect parcel. Planner Schow stated she was out with a sick child on Wednesday and typically sends the newspaper notices out and didn't receive any notification that anything needed to go out and wasn't in the office. Commissioner Jensen stated the 10 day window wasn't met. Planner Schow stated the letters went out but didn't meet all the requirements, so unfortunately we want to make sure we follow legal procedure and get all the noticing out. Commissioner Jensen asked if they need to hold public

hearing again at the next meeting. Planner Schow stated she would recommend that they do and also listed it on the agenda that they should. Commissioner Vaughan asked Planner Schow is she could address the citizen if their property on the north side is involved in this particular application. Planner Schow stated only the properties that were shown in the letter that went out, the two properties, the one with the house and the vacant property to the south.

Commissioner Vaughan stated because item #4 will be rescheduled, there will not be any discussion on the item, but for the courtesy of the citizens who did show up because it was advertised as far as a public hearing, if anyone would like to come forward and speak on this item they are welcome to do so and your comments will be added into the minutes tonight and add them into the packet for the next meeting that is scheduled.

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Andrew Sherman, Syracuse, the property owner, the map is showing those are two separate parcels, they have actually been combined. He runs an investment advisory firm and it will be his practice in there, himself and his assistants throughout the day and an occasional client that comes in. The only difference neighbors will see is a sign will be out front as per City code, if it does get rezoned. It fits the general plan for Syracuse of Neighborhood Service. Commissioner Jensen asked if he was going to do any new construction on the lot, just work with existing buildings. Andrew Sherman stated for now, down the road there might be a possibility of course, but doesn't have any plans for now and has not submitted anything. Commissioner Jensen asked Planner Schow if this was the first official Neighborhood Services request, Planner Schow stated she believes it is. Andrew Sherman stated that is why he bought it because the general plan showed it. He is currently in the Raymond James office, the old Mia Design building, that UDOT is going to demolish and has to be out within 4-5 months. He spent a lot of money on the inside of the building, it's really awesome, and invited anyone to come see it before it gets demolished and is planning on doing the same thing to the house and get it up to date and make it a wonderful place for the next 50 years. Commissioner Jensen stated Syracuse City thanks him for keeping the business in the City. Andrew Sherman stated it's a beautiful property and they take care of it pretty well. Andrew Sherman stated he will be back for the next meeting as well. Commissioner Vaughan apologized for any inconvenience it may have caused, but it will be on the next meeting agenda.

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Bill Johnson stated that he's noticed that they have been working on the place back there, if this, has he been approved for that or still wondering what is going on regarding the property. His question is why are we here if he has already been approved for what he wants to do with the place. Commissioner Vaughan stated it depends on what type of work he is talking about, whether it's regular maintenance or as far as anything major such as destruction and wholesale reconstruction. Bill Johnson stated it looks like they are demolishing the place, looks like they are going through the inside, like they have a demolishing crew out there and going through the whole inside of the place. Wondering if this is the first step in something bigger is what his concern is, he doesn't want to be living behind a 7-11. Melissa Johnson stated her concern is that it talks about Neighborhood use, but also in the notice that was sent to us indicated a special permit could be applied for to change it to something else which could include things like a gas station or some type of business. She doesn't have a problem with a small business like the applicant was talking about where there may be some small traffic but they have 2 small children and it's only a chain link fence between them and whatever traffic the applicant brings into his business. Right now it's zoned, or being proposed to zone as Neighborhood Services but that doesn't indicate to them that later on it could not change, that is her concern. As well as the traffic, where they will be parking, how many people will be coming in it is literally directly behind their house.

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Commissioner Vaughan stated at this time because it is just a public hearing and just taking comments from the public the Commission is unable to respond to any questions at this time, but at the next meeting there will be a full discussion, and reveal of what can and cannot be done there.

Melissa Johnson asked if the intent of the property would be indicated and disclosed at that time. Commissioner Vaughan stated they will have a complete report from staff on what is anticipated for the aerial. Bill Johnson asked what is going on right now, in regards to the work being done right now. Commissioner Vaughan stated that because they do not have a complete packet they do not have all the information to conduct a formal hearing on the matter. Bill Johnson stated his question right now is what exactly is going on right now. Commissioner Jensen stated the applicant can answer that after public comment. Melissa Johnson asked when the next meeting will be. Commissioner Jensen stated in 3 weeks.

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Planner Schow stated she can address the concerns right now. The zoning once it is changed to Neighborhood Services does have a list of allowed uses per City code, so an applicant does have the ability to come in and apply for a business of any of those types that are allowed in that code and then there is a secondary list which is called conditionally permitted uses, that if an applicant wants to apply for something like that, they can come back before the Planning Commission at another hearing and apply for that type of use and the Planning Commission has the ability to put special regulations, within reason of course, on that type of use or to deny it. A gas station is not in the permitted uses in either list of this type of zoning, if there are concerns, you could contact me in the office and not have to wait until the next meeting, I'd be happy to direct you to the City code that tells you exactly what kind of businesses could be in. Since this is the first of potentially, not in the near future, but potentially many Neighborhood Service businesses, the general plan, which is the City's guiding document of where the City has determined what type of properties and type of uses are appropriate in these different areas. On this aerial, all of the fronting property on 2000 W on the east side, all the way up to the large open space, have all been designated as potential growth as Neighborhood Services zone. This is the first of many, there

is potential for more along that 2000 W corridor, it's definitely something to research and look into as you live near this area. Please feel free to contact me to address any other questions as well.

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Commissioner Jensen stated the reason they created the Neighborhood Services zone and it is a new zone within the City is they felt that professional office and general commercial were both a little bit too impactful such as neighborhoods like these, so they wanted to create a low impact business zone that would allow people to do small businesses along that but something that would not be overly impactful to the neighborhoods. Since the general plan designates this as neighborhood services, the applicant cannot ask for anything else but neighborhood services, they couldn't come in and ask for commercial or business park or anything else because it wouldn't meet the general plan. And asking for a change to the general plan is a multi-step process and with the location where this is at, the City Council wouldn't be too amenable to changing it anything other than what it is currently showing as.

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Jeremy Hughes, Syracuse, same neighborhood behind this lot, his main concern going forward is that it's a really nice community and hate to look out his front window and see a high rise building or something crazy like that, not even sure it could be done, but prefers it doesn't. As a small business man, he understands, but it is still a neighborhood and his kids run around, so wants to keep it that way as much as possible.

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Commissioner Jensen wanted to make a correction about the properties north of the elementary, one of those they recently zoned it as something else, so they could put in the Craythorn property and assisted living facility. Planner Schow stated that is correct so from that property north.

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Public hearing closed.

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COMMISSIONER JENSEN MADE THE MOTION TO TABLE ITEM 4 SO IT CAN BE NOTICED PROPERLY UNTIL THE NEXT MEETING, OCTOBER 6, 2015. COMMISSIONER MCCUISTION SECONDED THE MOTION. ALL IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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**5. Municipal Code Title X Amendments -** pertaining to residential zoning

Commissioner Vaughan stated this one of the most important things the Commission will be doing this year, one of the most important documents they send to the City Council as a whole. Hopes everyone has had an opportunity to read over everything, over 100 pages in the packet. They've been talking about it for some time, this is the key thing. Also in keeping with that and to let us know of some of the importance on this item, on August 4, 2013 in a joint Planning Commission meeting with the City Council we received some training from then City Attorney designee Steve Garside in which they had quite a few comments on and one of the things that really stuck out was quoting from him "with the general plan if they, the City Council, sees issues arising and they are concerned that the general plan is not addressing an item sufficiently, the general plan even though the City ordinance and state law may differ, for the general plan to strong defense for the City as development occurs, would recommend the only time it gets amended is under two circumstances, one if there has been and error and two if there has been a significance change in circumstances since it was adopted." He continued by saying "when you look at the general plan, it is where you want to see the City at build out, this is a constant refining process".

Planner Schow stated there are a few changes and made the amendments that were discussed last time, in the numbers. City Attorney Roberts has looked at a couple of sections and provided some recommendations, specifically 10.20.060. Commissioner Vaughan stated she brought up a very interesting point and asked City Attorney Roberts recognizing he isn't able to do everything in the short period of time that he's been here. If he feels he has had a sufficient amount of time to review the exiting general plan in this area and also the partial recommendations that they have before them tonight and feel comfortable with what he's seen so far.

City Attorney Roberts stated he hasn't gone through the general plan that's been submitted yet, working through it and will need to compare it to the prior general plan as well. The Community & Economic Development Department would also like to review through that. He can walk them through some of the amendments he made to section 10.20.060. One of his concerns here and seems like one of the components of both the general plan that he's seen so far and this amendment, was that the Commission wanted to essentially have a short period of time when the general plan could be amended and then cut it off and say no one can amend it anymore after this. There are some potential due process concerns if they do that. When a person puts in an application for a general plan amendment, they have a due process right to have that petition heard all the way to the end of the line, if they wanted to. So for the City to say, it would give this body or the Council's body the ability to just table something into oblivion. Someone is entitled to a decision, either up or down on a land use application or general plan amendment. In that case, he strongly suggests that they not have a cutoff where they cannot consider it, even if has been, even if it was submitted in time during that open application period. So has made a couple of changes dealing with that, so subsection 5, section 10.20.060, '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 ensures that they will be protected even if it takes 6 months, 9 months, they will hear it. Do not have a problem with having a cutoff date where they have an open period where they can submit applications, that's not a problem, the problem would be if they submitted it on time and then they were never given an answer, that

wouldn't be fair to them and it wouldn't be sustainable in court. Recommendation is that they have the cutoff periods for applications, but not for the actual amendments. Subsection 6, 10.20.060, added this because in the next subsection and the previous changes that have been made, the sentence that said 'the City Council, Planning Commission or Authorized City Staff may initiate a general plan amendment at any time without submittal of an application or payment of any fee' remained, so assumed the Commission is still open to general plan amendments coming up from this body, the Council or Staff, if that is not correct then subsection 6 can change, but that's what he gathered from that sentence remained in the next subsection. Was that the intent or did they want to have it be cut off for everyone except for that special City Council opening.

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Commissioner Jensen stated the intent of what the committee proposed was that the only time that the Planning Commission would consider changes was during the open period or upon authorization of the Council, that was the intent. So the Planning Commission essentially has to wait two years just like everybody else.

City Attorney Roberts stated what he needs to do is change the next section also to make it clear that that's just talking about the fees that they don't have to pay fees to the City as the City. There was a question also on the years that they want to have the open amendment periods, that they wanted the map and the text amendments to be heard on the same year.

Commissioner Jensen stated his recommendation was that they were offset, it was originally 5 years and that would make it every other time it would be the same and then they would be different, so made a suggestion to lower it to every 4 years, because the map is every other year and the language could be every 4 years, and suggested to do opposite years so they don't have overload between the map amendments and the text amendments, in the interest of workload. Alternate the years even would be plan and odd would be map.

City Attorney Roberts stated it seems for practicality sake, if there is an applicant who wants a text amendment, they might want a map amendment at the same time, that is something to consider, rather than making them wait another year. Commissioner Vaughan asked Commissioner Jensen since the committee chair Commissioner Rackham was not present, was that the feeling of the whole committee in regards the opening. Commissioner Jensen stated they have changed it from the committee recommendation of 5 years and deviated a little from that, but as far as same year or alternating years that's a question that should be put to the Commissioners.

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Commissioner Vaughan stated based on the comments from the City Attorney that he has a number of legal issues he needs to work out for what they have proposed if they should hold all the items until he has an opportunity to go through everything and then come back with his recommendations in which staff would have the opportunity to present to the Commission or try to go ahead and not comment on any of the sections he feels that he needs to work on before it comes back before them.

Commissioner Jensen asked Planner Schow if it was just a work session for City Council next meeting. Planner Schow yes, there meeting is just work session. Commissioner Jensen stated they would not see these changes before October 6th and is not opposed to tabling the items, but wouldn't mind discussing it while they were here and seeing if there are any other changes that we want the City Attorney to look at. Commissioner Vaughan stated they can go through the packet and if the City Attorney has any opinions or would like to review more and they can bypass those sections. Commissioner Jensen stated he would like to ask the rest of the Commissioners what they think about doing the text amendments on the same year as the map amendments or if they should do them separately.

Commissioner Vaughan asked if the other Commissioners had any thoughts on it and that Commissioner Rackham was present because he was intimately involved with the changes and could relay the feelings on that. Commissioner Vaughan asked Commissioner Jensen if he could relate how the committee felt as a whole on the issue. Commissioner Jensen stated he could have Ray Zaugg address the Commission since he served on the committee.

Ray Zaugg stated he doesn't recall since they have changed it from what they put forth and doesn't remember what it was at the time. Commissioner Vaughan asked Ray Zaugg what was the number of people that originally started with the committee, the very first time, when they got down to business. Ray Zaugg stated 9 members. Commissioner Vaughan asked what the current number of people who had been attending meetings regularly at the last few meetings. Ray Zaugg stated there were 6 members towards the end and Planner Steele would show up occasionally, but wasn't considered a committee member. Commissioner Vaughan stated his concern was whether or not they are still trying to uphold the basic directions from the existing plan as far as having a fair representation and those numbers have held all the way through. Ray Zaugg stated there were a couple people who started out on the committee but due to scheduling or unknown reasons didn't attend meetings.

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Commissioner Jensen asked Commissioner McCuistion how he felt about doing the text amendments at the same time as the map or alternating. Commissioner McCuistion stated how it can be a lot if the economy is busy to get through everything, so wouldn't be opposed to alternating and is unable to come up with a reason why they would have to have them on the same year and doesn't think having them alternate would present any problems that can foresee.

Commissioner Jensen asked Commissioner Moultrie in reference to his concern if there was an issue where text amendments are rare to begin with, generally they are more of a guiding document and less of a strict document. The map is the main thing they are concerned with, but if there was a situation that arose where an applicant may need to make a general plan change, the Council could be approached and open it outside of the 2 year window, there is still a

mechanism if that comes up. Text amendments generally are a big deal as far as what the language says but the map and text amendments are not tightly related, they're loosely related.

Commissioner Vaughan stated for the sake of discussion if they put it on alternating years then every year they would be discussing the general plan. Commissioner Jensen stated correct, except one year out of the four that they wouldn't. Commissioner Vaughan stated they'd be talking about the plan in one form or another basically every year, just a certain part, which in some ways is pretty close to what they were talking about with districts and the districts on a year plan. Commissioner Jensen stated they tried that approach before and somehow they got away from that. Commissioner Jensen stated looking at the proposed changes by the City Attorney is they struck #6, he is good with everything that is there.

City Attorney Roberts stated there are a couple other for instance in subsection 4, they need to have some standards as to how does the City Council make that decision to open up an enrollment period, instead of just at their discretion, there really should be some guidance in the ordinance that they make a finding of some kind. What are the types of things that are important enough to open up a general plan amendment outside of the period and try to capture that into this ordinance if possible. Otherwise every person who wants to make a change, will just go to the Council and ask, so if they can have at least a couple of really clear guidelines it might save off some of that. They had talked before about a really good RDA project and a tenant or someone who wants to come in, that might be a time where they open it up. What kind of guidance do they want to have in there for the Council when they make this decision.

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Commissioner Vaughan stated going back to the August 2013 training session, Steve Garside recommended that they only open it when there has been some type of a game changing event such as the opening of SR-193, which was a major change to an entire section of the City as opposed to doing it piece meal, if they are going to do a review it should be something on that and along the same line as a West Davis Corridor project. A final decision being made on that project whatever it is, that would be a game changing event.

Commissioner Jensen stated the two he can think of, one would be new transportation infrastructure put in place and a second one would be a catastrophic event, such as a fire that burns through an entire section of the City and the City may at that time decide that rather than putting R-3 back there maybe they want something else to rebuild it.

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City Attorney Roberts asked when it comes to an individual property say a parcel or a group of parcels that were hoping to put a major tenant in or something like that, is something to anticipate, they want to leave the door open for something like that, if it's a major benefit to the City. Commissioner McCuistion stated he would put the number of acres, if the application would affect 10 acres or 20 acres or more. Also change transportation changes to arterials only, rather than just smaller roads, additions to smaller roads. Or a number of applicants, a coalition of lots that want changes, then that would substantiate a request to the City Council, they can still shoot it down, but requirements for them to meet before they can apply to the City.

Commissioner Vaughan stated to do that then they have to be able to define what a game changing event is that would trigger something like that and not sure they can do that. As far as transportation is they are about to have 2000 W going north from Jr High and Elementary School that is going to be a game changing event when UDOT finally decides what they are going to do. UDOT has been back out on 2000 W from the school going north with the possibility of changing their overall plan for what they are doing because they've done a count on the number of house that would be impacted under the current plan and under a modified plan and rather than taking out and equal portion of either side and taking out a total of 58 house, if they shifted the road over to the east side, they would only take out 32 houses, so they are resurveying seeing if it would be more efficacious for them to take out one side of the road. That comes to mind as an event that would be an automatic trigger should that happen on any other roads, like 2700 S or Bluff Road. Commissioner Vaughan is looking for some direction from the City Attorney in regards to what he thinks would be an appropriate trigger for this based on his knowledge of general law in this particular area.

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Commissioner Jensen stated the simple way to phrase his idea would be a catastrophic event that decimates an area. City Attorney Roberts stated from the comments tonight he has some stuff to work with, he's got significant changes in the City's arterials or infrastructure, catastrophic event or a third category if it's at least 10 acres and has a potential to be a substantial benefit to the City then that's something they can make that finding and say this is a big enough project it's going to benefit the entire City that they are going to open it up for potential amendment, that gives the Council enough to make those findings and can be defended in court if needed to. These changes will need to come back for the next meeting for all the changes to this section. Also on section 10.20.050, made some changes but didn't make it into the packet. For the open amendment period, the noticing would happen 90 days before the opening happens, it would be published in the paper at least once, posted on the City website, posted on the Utah Public Notice website and posted in 3 locations throughout the City.

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Commissioner Jensen asked about putting it in the Newsletter as well, within the 90 days. Planner Schow stated no, they don't do any public noticing in the City Newsletter at all, just because the timing of when it goes out and the timing of the meetings, it is too difficult to make that work. Commissioner Jensen stated this would be for the 90 day advance notice that they are opening the plan. Planner Schow stated they might be able to do it for that. Commissioner Jensen stated sometime within that 90 days, maybe the Mayor could put it in the Mayor message. City Attorney Roberts asked if that

was something they wanted to add to the ordinance or something that would just be a practice that they would follow and make that recommendation. Commissioner Jensen stated the Newsletter could go away, so there is no sense in putting it in the ordinance, not mandated by code.

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Commissioner Vaughan stated he received a memo from staff today regarding R-4, the reinsertion of R-4 ordinance and assuming that is something they will be inserting into 10.20.080 residential zoning section. Planner Schow stated she wanted to put it on Commissions radar, the intent was to bring it to work session and put it on the next work session agenda. There is zoning out there with no ordinance and need to either reinstate the R-4 ordinance or rezone all of that property to a different zone. The code was added into the packet for review and what is was previously and would like guidance on how they would like staff to go forward with it.

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Commissioner Jensen stated the purpose of putting the R-4 back in is just to cover the existing R-4, didn't have any specific changes in mind other than just take the old ordinance an bring it back, unless there are any conditional uses they want to take out of R-4 that might merit discussion but as far as the standards, don't think they want to mess with those at all. Would like to have a note at the beginning of that section that says, this zone is included for existing zoning only and not intended for new zoning, when residents are reading that zone they'll understand the reason it was brought back into the ordinance is because they have to cover existing zoning, not the new zoning. The residents were pretty adamant about taking out the R-4, a number of residents were complaining about that zone at the time. If they out it back in the ordinance, it needs to be clear why it's being put back in the ordinance.

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Commissioner McCuistion asked if it would be more prudent path to rezone those properties so they don't have to carry a legacy zoning in the ordinance until the end of days. Eventually someone will take it back out and they'll run into the same problem and have to put it back in, not sure how difficult it would be to rezone everything. Planner Schow stated there is definitely a positive and negative side for each option, the one downside of reinstating the R-4 carries a code that the City does not want to use any further. The downside to rezoning all that property to a different zone is every one of those lots now becomes legal nonconforming and a lot of citizens have issues with that being posted on their titles.

6:56:02 PM

Commissioner Jensen asked regarding legal nonconforming, if someone comes in with an R-4 zone and wants to put an accessory structure, but it's just been changed to an R-3, what would happen then. City Attorney Roberts stated the new zone would apply, legal nonconforming use can continue until it is abandoned or amortized. If there is a new use such as an accessory structure that would go under the new zoning ordinance they wouldn't be forever grandfathered. What they've been established as they can continue doing, if they want to use a new use, like an accessory structure, conditional use or something like that then the current zoning at that time of the request would be used. Commissioner Jensen asked if they could differentiate that enough that essentially they could ask for a change but would have to use the R-3 setbacks. City Attorney Roberts stated yes, if they are in an R-3 zone and they want to establish some use that requires a permit from the City, they would need to comply with R-3 zoning. If they were to knock down a house all the way down and wanted to rebuild it, they would need to rebuild it as an R-3, they couldn't rebuild as an R-4. In the nonconforming use, if there was a storm or the house was damaged or destroyed, they could build it back the way it was.

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Commissioner Jensen stated Planner Schow had brought up in the last meeting, they would have a lot of noticing to do if they changed the R-4 to R-3. Planner Schow stated there might be a lot of noticing either way, they are looking into the details of that as well. Commissioner Jensen stated if they do a language change that is just a general advertise for a public hearing, it might be a little different. Planner Schow stated that would be simpler, but they are still discussing the options on right way to go about that within the office.

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Commissioner Vaughan asked City Attorney which is easier from a legal standpoint and or more legally defensible, reinserting R-4 back in the code or going back and rezoning each individual parcel. City Attorney Roberts stated they are both equally defensible, it is a zoning decision the Commission can make. Putting in the text is a little simpler because it is not directly impacting, not changing someone's zone without them asking for it, so might get less opposition that way. If someone gets a letter stating the City is changing the zoning on their property, people tend to get a little more anxious. Commissioner Jensen agreed that could be considered a little harsh if the letter said, the City was changing their zoning and they have to go along with it, even though the City has the legal right to do so. City Attorney Roberts agreed, that is what zoning power is, it's just a question as to what the Commission wants to do, they're both perfectly defensible and just make sure everyone knows that R-4 is a one-time thing, or it is just in those spots that it exists or the zone is done, tried it and didn't like it and going to move to R-3 so if the R-4 goes away an R-3 would need to be built there.

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Commissioner Vaughan asked Commission members fi they want to handle R-4 completely separate from the changes in front of them and go ahead with the changes they have made knowing they will have to come back and change it again to accommodate R-4. Commissioner Jensen stated there is another option with the R-4, it would be legal nonconforming, but they could drop the density on the R-4 they approve, but it would essentially be an R-3 at that point. Commissioner Vaughan stated in R-1, 2 & 3 they made quite a few changes in each individual zone, from lot size, virtually

every paragraph they changed something and probably are going to wind up doing the same thing on the same paragraphs on R-4. Does the Commission want to submit the changes as a completed package discussing all R-1, 2, 3 & 4 at the same time to the Council or do they want to send the changes and have R-4 follow, it is my preference to send all of them at the same time, so they can compare them side by side to see the changes.

7:01:22 PM

Commissioner McCuistion stated he doesn't believe the City Council is having a work session next meeting, so it might not matter. Commissioner Jensen stated he thought he meant regarding having a work session regarding R-4 and then the regular meeting, they could certainly reverse the order and do a quick work session to discuss the R-4 changes and then put them on the regular meeting that night. Commissioner Vaughan asked staff if they would have enough time to go through R-4 and basically red line and blue substitute in R-4 following what has been changed in R-1, 2 & 3 and have it ready for the next meeting. Planner Schow stated yes, the basic changes regarding accessory structures and small changes wouldn't be a problem for the next meeting. Commissioner Jensen mentioned the gross gets a little complex, but essentially would be 11.6 gross. Planner Schow asked Commissioner Jensen to email her the calculations for that and can update the changes and put it in the Dropbox as soon as it is ready for Commission to review.

7:03:35 PM

Commissioner Jensen asked Ray Zaugg if he remembered the committee's preference as far as changing it to an R-3 or putting the zone back in. Ray Zaugg stated the discussion surrounded putting the R-4 back in as not something that is active but only to cover what they currently had. In the discussion he cited an example up in Portland when a certain section of houses were zoned one way there was a fire and they burned down and because in between while they were existing homes, the city had changed the zone and so when they rebuilt them they had to comply with the brand new zone and some people were very upset with that because it was single family dwelling and when it was rezoned and rebuilt as apartments. That would be something that they would want to avoid and if they just made R-4 an inactive zone to cover what is currently in the City, wouldn't need to adjust anything drastically in the verbiage.

7:05:02 PM

Commissioner Jensen asked Planner Schow to make the simple changes and change the gross to 11. Planner Schow stated she will also add language for existing zoning only not intended for new development. Commissioner Jensen wanted to make sure his changes to 10.20.070 were updated as well.

7:06:13 PM

Planner Schow stated since they are making so many changes she would like to hold another public hearing at the next meeting. Commissioner Vaughan asked City Attorney Roberts if he would have time to make his changes for the next meeting and have a comprehensive package that could be discussed at one time. City Attorney Roberts stated he thinks he can, the changes he is proposing to 10.20.050 and 060 shouldn't take too long. The general plan isn't being changed as of yet and has some changes to that as well from the last meetings, otherwise doesn't have anything that jumps out as a big red flag.

7:07:25 PM

Commissioner Vaughan stated it might be efficacious to bundle all of the changes and continue the discussion to the next meeting as one package. Commissioner Jensen stated he wouldn't mind discussing the Cluster section because of the change. Planner Schow would like to as well, making sure she made the changes they wanted. Planner Schow stated for the cluster ordinance, per the direction they gave last time, the bonus density section and converted it from bonus density to required items and bumped the density to what that max density was decided to be set at and wants to verify that the numbers are correct at 4.6. Commissioner Jensen confirmed that is correct, it was 2.3 doubled. Regarding acreage took the existing components under development requirements and blended in the bonus density requirements. There were several places where the code talked about open space in one section and tried to without rewriting it or changing anything, tried to just combine everything in an order that made sense and get the similar items together. Wanted to know if the Commission had any questions on the changes, also City Attorney Roberts did go through it and made a few comments, so there might need to be some clarification on a few notes. The yellow highlights are items she added or had questions on or recommended to remove and tried to get the existing code in a logical order.

7:10:37 PM

Commissioner Vaughan stated he believes they can get through them quickly. Commissioner Jensen stated he had comments on item K. Commissioner McCuistion subsection H, open space, the first number 3 and number 6 are a duplicate. The second number 3, the open space should be totally landscaped wondering about wetlands. Planner Schow stated the open space and common space were all over the place and tried to put all the open space together and all the common space together, but not clear on the intent of what they are really after in those two areas and which is which. Commissioner Jensen stated that the common space is space that is utilized by all of the residence that live in that subdivision, open space is just open space. So the common space is the one that is designed to be developed with the benefit of everyone in mind where as open space can be essentially as Commissioner McCuistion pointed out, wetlands or anything like that. Planner Schow stated they had a minimum in PRD, open space/common space shall be a minimum 50% of the total land area excluding roadways, buildings, acreage and excluding any above ground City infrastructure of that 50%, 30% shall be open space and 20% in common space.

7:18:40 PM

Commissioner McCuistion stated the only thing he worries about is the area of land that is developed by the lake will have a lot of wetland areas and if we make them take 20% of that open space and make something out of it, we might want to consider lowering that down a little bit. Commissioner Jensen agreed 20% might be a little high, maybe 10%. Commissioner McCuistion stated that was what he was thinking of and should be doable, minimum of 10%.

7:19:58 PM

City Attorney Roberts stated when he looks at the definitions of common space and open space. Open space means any area of land without human built structures such as parks, recreational and natural areas or land not occupied by buildings, open space does not include curb and gutter, driveways and roadways. Common space is defined as land area with an amenity in which the dedicated purpose is shared equally by all the residents of that community or the public. So open space can include wetlands, it can include an undeveloped field, common space needs to have an amenity, so that would be a trail, playground, or benches, so open space could be held in common but it wouldn't necessarily be common space under the code.

7:25:48 PM

Planner Schow stated with the definitions being listed in the code, some of the items are duplicates. Private fencing restrictions are another item in open space that needs to be kept in the language as well as landscaping requirements and development agreements.

7:37:30 PM

Commissioner Jensen stated he would recommend Commissioner Rackham gets a copy of the updated draft. Planner Schow stated she will and also sent him a copy of the changes in an email to give him an opportunity to make comments since he was not going to be able to attend tonight. As soon as the draft is updated she will send a copy to the Commission.

7:39:05 PM

Planner Schow stated in section J, landscaped plans shall be signed and stamped by a professional landscape architect. They've tried to put this in the ordinance before, can't express the importance of this enough, there are some serious drainage issues in a development and it would be nice to have an official stamped plan to go back to their engineer if we needed to. Her recommendation for large projects, they should be getting professional landscaping as well as professional engineering. Commissioner Jensen liked the recommendation. Commissioner Vaughan asked about requiring a timeframe on completing landscaping. Planner Schow and Commissioner Jensen stated they would recommend moving the section in common space about requiring landscaping to be completing before starting the next phase of the development to the landscaping section.

7:41:22 PM

Planner Schow stated the trail system, walking paths was taken directly from the chart. Commissioner Jensen stated for an R-1 it should be required, not when applicable. Planner Schow asked if they should put in a trail system of some sort even if it doesn't tie into the City trail system. Commissioner Jensen most of the R-1's will have trails at some point, if the developer can put in a trail they'll link into the next development and so on and so forth, eventually getting to the City trail. Commissioner McCuistion agreed. Commissioner Vaughan asked if they have a contingency plan if a trail system or walking path cannot be connected with another adjacent property due to physical hazard or obstruction or development of an adjacent piece of property has precluded a connection, can they allow for a cul-de-sac or bulb at the end of a trail if it has to dead end. Commissioner Jensen stated there is one trail in the City that dead-ends now. Planner Schow stated that would be something to address in the City's engineering standards, because there are trail specifications in there, so maybe add the addition that a dead end needs to be cul-de-sac for a turn around until further connection can be provided. Commissioner Vaughan stated they can ask the City Engineer at the next meeting. Planner Schow stated that is something she can run by Public Works. Commissioner Vaughan stated he would hate to have a trail system excluded if there is no possibility of doing a through connection. Planner Schow asked is that is something they want, is trails included even if there is no possible connection. Commissioner McCuistion stated if the trails are internally resolved, there are a lot of trails in parts that don't connect to anything, that are great, if they are resolved in the subdivision or development. Commissioner Jensen stated his recommendation would be to be incorporated into the City trails system when possible.

7:45:23 PM

Planner Schow stated they can check to see if the trail is going to connect when they bring in preliminary plans, to make sure the trail is fully enclosed internally if it is not going to expand. Commissioner Vaughan wanted to make sure a trail doesn't connect up to a fence with no place to go. Commissioner Jensen stated he would like to the cul-de-sac set up in such a way that when the next property goes to development then they can extend the trail at that time.

7:46:04 PM

Planner Schow had questions on whether they wanted landscaped entry ways and entry signs maintained by the HOA included. Commissioner Jensen stated he thought they were getting away from those. Planner Schow stated they do not want to maintain them as a City, if they are maintained by a HOA. Commissioner Vaughan asked which was more beneficial to the City. Planner Schow stated the most beneficial thing is for the City not to be maintaining any of them. Commissioner Jensen stated the only problem with that sometime there are some developments that start off with HOA maintaining them and then at some point they just get forgotten, Commissioner McCuistion has mentioned several examples in the past of certain entry ways where letters are falling off of the stone monuments. Planner Schow stated in

standard subdivisions that is a real common problem, in the Cluster where they've already got 50% open space they're maintaining, that they have to have the HOA for that, it seems like an easy thing to add on. Commissioner Jensen asked how the Commission felt about entry ways. Commissioner McCuistion stated if they want them, they'll put them in, not sure if they need to require it. City Attorney Roberts stated they can change shall to may, and then if they want to do it they can and if they don't, they don't have to. Planner Schow stated that if they do decide to put them in they must be maintained by the HOA.

7:48:44 PM

Planner Schow stated the next section of sidewalks and park strips was confusing and wasn't sure of the intention. Commissioner Jensen stated that was not optional, with the idea from the committee on R-1 was they shall include a 15 foot park strip on each side, it's not an optional thing, park strip and sidewalk combination, that was intentional. Planner Schow stated they should set a minimum to make it clear. Commissioner Vaughan asked about meandering walks, that it would be an asset in these types of developments rather than straight lines. Commissioner Jensen stated the idea on the 15 foot park strip and sidewalk combination included trees in the park strip. Commissioner McCuistion stated if it states 15 foot park strip then don't need to tell them to put the sidewalk that much closer. Planner Schow stated they can meander it or do a 10 foot park strip and a 5 foot sidewalk or 8 foot park strip and 7 foot sidewalk or whatever combination, is that the intent. Commissioner Jensen stated that wasn't the intent, but it's a good idea. Commissioner Vaughan stated if we are taking away their front yard, if we try to give it some visual appeal with the meandering walk that would compensate quite a bit.

7:51:47 PM

Planner Schow stated where it states they may deviate from the standard roadway section, should reword that to say it may deviate from the adopted engineering standards and specifications. Commissioner Jensen stated it should be changed to shall. Commissioner Jensen stated the 15 feet was mandatory it wasn't optional, if they wanted a cluster. Planner Schow stated if it says they can deviate, there should be a minimum sidewalk width. Commissioner Jensen agreed, sidewalk should be a minimum of 4 feet in width. Commissioner Jensen suggested including the adjusted cross section there for low volume local. The main goal with the extra park strip was to allow large caliper street trees.

7:55:31 PM

Planner Schow asked if street trees should fall under landscaping. Commissioner Vaughan would like it changed to 12 inches above ground level. Also added street trees shall be selected in accordance with the approved tree species and City code and street trees shall be planted every 50 feet in park strips. Commissioner Jensen asked if that was a minimum or flat out. Planner Schow stated the street trees are designated by park strip width. Commissioner Vaughan stated the landscape architect is supposed to review landscapes. Planner Schow stated it would say shall be planted a minimum of at least every 50 feet and if they select a smaller species they could be required to plant them closer. Commissioner Jensen would like the trees to be in regular intervals and adequate density.

8:00:28 PM

Planner Schow states in section 10.80.050 design standards, would they like these sent to the Architecture Review Committee. Commissioner Jensen stated he would not mind, since they had talked about sending PRD's to the committee. Planner Schow stated it currently says it shall be in accordance with the architectural review guide. Commissioner Jensen stated it should be the same as they are requiring in the PRD and the guide referred to also. Commissioner McCuistion agreed.

8:02:51 PM

Planner Schow stated she also added patios to this section, 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.

8:05:07 PM

COMMISSIONER JENSEN MADE A MOTION TO TABLE MUNICIPAL CODE TITLE X AMENDMENTS UNTIL THE NEXT MEETING AND READVERTISE THE ADJUSTED LANGUAGE FOR PUBLIC HEARING. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL VOTED IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

8:05:47 PM

**6. Adjourn.**

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

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Ralph Vaughan, Chairman Stacy Adams, Admin Professional

Date Approved: _____