

## Minutes of the Syracuse Planning Commission Work Session, January 19, 2016

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Minutes of the Syracuse City Planning Commission Work Session held on January 19, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:** Commission Members: Ralph Vaughan, Chairman  
Dale Rackham, Vice Chair  
TJ Jensen  
Curt McCuiston  
Troy Moultrie  
Greg Day  
Grant Thorson

City Employees: Noah Steele, Planner  
Paul Roberts, City Attorney  
Stacy Adams, Commission Secretary

City Council: Councilman Mike Gailey

Excused:

**Visitors:** Adam Bernard

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### 1. **Department Business:**

Planner Steele stated the biggest thing that they needed to cover is next week the City Council is holding a joint training, there was some discussion about it in the last meeting and there was a question raised whether or not it would be a paid meeting and the answer is yes, it will be a paid because it is a meeting and a training and needed to know if that is something that everyone can make. Commissioner Rackham asked when that was. Planner Steele stated next Tuesday, the 26<sup>th</sup>. City Attorney Roberts stated this will cover their annual training for open meetings, ethics, they will go over due process a little bit and then some rules of procedures as well. There will be some discussion about the Bylaws depending on what comes out of the meeting tonight. Commissioner Rackham asked if it was at 6pm. City Attorney Roberts stated yes.

Planner Steele stated the other item to report on is Piper Glen, the City Council approved to waive the re-final application fees, all but \$50.00.

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#### **a. City Council Report**

Commissioner Jensen stated he wanted to report on City Council since it is on the agenda. Commissioner Jensen stated the only things that really affect them is they did have a rezone request come in for the property on 4000 W adjacent to where the PRD is located, the Criddle property, they would like to bring that to the Planning Commission with the request to change it to a R-2 and City Council went ahead and since the General Plan is closed they indicated that they would be fine with that coming to the Planning Commission and entertaining that. Piper Glen waiver and Bankhead rezone was approved, Bluff at Lakeview Farms was approved, pretty much everything that was forwarded to them was approved. Just wanted to bring it to the Commissions attention that they will be having a General Plan change coming their way.

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#### **b. City Attorney Updates** - i) Planning Commission Bylaw Revision

City Attorney Roberts stated at their meeting 2 weeks ago it looked like they were pretty much in agreement on everything with the exception of the attendance policy and doesn't know if they are going to reach a point where they have 4 Commissioners who agree with it or not but figured tonight hopefully they've had time to mull it over and think about whether are in support of it or whether they want a different number or whether they want some different mechanism all together. Hoping they can take this to the Council and if they have fractured opinions that is fine too or could tell the Council they are working on this and try to get consensus before we send it to them, it is totally up to them. The main issue from the draft about 4 weeks ago in early December. 'Each Commissioner is expected to attend at least 80% of meetings per year, and Commissioners are encouraged to consider whether to resign their positions if permanent or recurring circumstances arise which interfere with their ability to attend or participate in Commission meetings. Unexcused absences may be cause for removal from the Planning Commission, as provided in subsection D.' As noted in the comments in the packet if they missed 5 meetings in a year that would fall below that threshold. There is also related section where there is sort of the teeth to that where if they fell below that attendance then the Commission, it would automatically go on the agenda and the Commission would consider whether to recommend removal of the Commissioner. So rather than have it be an affirmative motion that is made and brought by an individual Commissioner or two it would automatically happen. If a Commissioners attendance was under review would be allowed to participate in that. So the question is this the way they want to go, do they want to go a different route, last meeting there were maybe 3 different opinions. One was they should stick with it, other people said no they should keep it as it is and Commissioners can bring it up if they think attendance is problematic and then there was sort of a middle ground of maybe they should reduce the percentage or should have something else happen when they reach that percentage. With that unless there

are any other changes, let's do it this way, are there any other concerns with the rest of the Bylaw changes that have arisen since the last meeting or anything, know Commissioner Rackham and Thorson weren't there last time, is there anything or any issues with the changes unrelated to the attendance policy.

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Commissioner Rackham stated he has 2 comments. One is on section IV, Meetings, J Time, where it says 'Meetings shall not exceed 9:00 pm unless extended through two-thirds majority vote of the Commission' think they should add the word 'in attendance' to match all the other paragraphs that was added to. Staying with the changes that were submitted under IV, Meetings, D Unscheduled Meetings, the last sentence says 'An unscheduled meeting may not be held that has the appearance of giving preference to one citizen or business' to keep with the changes that were submitted, business should be changed to applicant. City Attorney Roberts stated he can make those changes unless there are any opposition, he will put that in with the draft when it goes next week to the Council.

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Commissioner Vaughan asked if they had any other thoughts on what they have so far. Commissioner Rackham stated he would like to hear what others think about that 80%, when first read that, is it 80%, which seems kind of high, given this is not their primary work, just curious what the others think about that.

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Commissioner Thorson stated he thinks it is high, doesn't think it is too high, the consequence of it is just a consideration by the Commission and the wording to some degree requires the Commission to then address it. It is pretty high, the consequence isn't death, it is just a consideration so if their goal is to help the City Council and be here more often and the Bylaws helps them be there more often that is probably not the worst thing. Doesn't object to the 80%, does, it looks like there was some talk it looks like about applying it to a quarter or a certain number of times in a row where people have seasonal work, whether it is winter or summer they may be gone more in the summer or more in the winter so a quarter may be, he might be gone a lot in the spring when projects start up but so wouldn't apply to a quarter would give it a little more time.

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Commissioner Jensen stated to answer Commissioner Rackham's question his thought is if they have missed 5 or more meetings in a 12 month period at that point it should be reviewed. The threshold he thinks, if someone was to ask him a hard threshold if someone comes in and they have missed 5 meetings in the last 12 months and they can give reasoning why that happened and express some confidence that it is not going to be an ongoing issue that is fine but think if that turns into 7 meetings in a year think at that point they are gone over a quarter of the time, if they have missed 7 meetings. For him the hard threshold would be 7 meetings of Commissioners missing 7 meetings in a year is when he would really say they should probably get someone else in there that can attend.

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Commissioner Rackham stated he just wondered because read the first section where it talks about the 80% and then read down later on it says, if fall below 80% it shall require the Commission to consider, so at what point do they.

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Commissioner Day stated he is of the school of thought that he doesn't see a problem with the way it is currently drafted and is not in favor of these changes, thinks the way it is drafted now is fine.

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Commissioner McCuiston stated looking at the attendance falling below shall require the Commission to consider whether to recommend removal and then the Commissioners attendance under review shall be invited to provide an explanation that feels a lot like they are crossing over into public shaming to try to force compliance doesn't know if they need to drag everything here in front of everyone, a more private venue might be more appropriate or maybe a single point of contact, the Mayor or something like that, it just feels kind of mean to him.

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Commissioner Rackham stated his feeling on this rather than a hard number would just say a pattern, if they have a pattern of absences then it goes under discussion but not really liking the way it is written. Commissioner Day stated he would like a softer approach, thinks this is something the Chair can have a conversation with an individual Commissioner to try to rectify the problem, think that is more of the tact that he would be in favor of, they are all in different, as he had explained last meeting, they all have different obligations in life and some of them have different time commitments, like Commissioner McCuiston stated it feels like public shaming to him and doesn't think anyone on this body is in favor of that.

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Commissioner Vaughan stated other than attendance, are there any issues with anything else that has been discussed that is in red or any changes or modifications. Commissioner Vaughan asked if it could be said that they agree on everything that they have except for the attendance issue. The other Commissioners agreed. Commissioner Vaughan stated with that in mind and recognizing that it is a very, very sensitive issue, why don't they go ahead and approve or recommend adoption of everything that they have before them except for attendance with the note from either staff or from the designated representative from the City Council on that one particular issue they would rather have someone else make the decision for them and think that would be a combination of staff and the City Council, they have had their representative present through the last meeting and in fact all of the meetings where this issue has come up, if the City

Council has any question, they have someone on their body for whom they can ask questions about the discussions they have had.

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Commissioner Jensen stated he doesn't think they can forward it to City Council unless they vote on it in a regular meeting and asked City Attorney Roberts if that was correct. City Attorney Roberts stated yes, they cannot vote in this meeting but they can talk about it at the next work meeting and just say that sort of a straw poll was taken and are in favor of all the changes with the exception of the attendance. Would like to know and has heard from many of the Commissioners, just wondering if there is more consensus than not, some have said no changes necessary and also instead of a number have a pattern of absences which would be a modification of the current rule and would make it a little more clear of when it is appropriate to initiate, wondering if the body does have a majority consensus here.

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Commissioner Moultrie stated he feels the same way as Commissioner Day and think the softer approach they all have different things going on and think if they have good communication with the Chair and knows what is going on with their situations.

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Commissioner Thorson stated he would be happy with any change including no change doesn't think this matters. Like he said before the problem isn't the words the problem is whether they are willing to throw one of themselves under the bus and they are not and so doesn't really have a problem with the way it is or the way it would be, it really wouldn't change his life much or effect the way they work at all.

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Commissioner Jensen asked City Attorney Roberts under section III Duties, right before treatment of information number 7, failure to abide by the Syracuse City Human Resources Policies and Procedures, obviously he has actually looked at that manual, it is huge, there is only one section in that manual that actually applies to them, and that is just about conduct and so wondering if maybe they could site that section of the manual or maybe pull out whatever is in the manual, whatever their goal is in citing that manual the behavior they are trying to encourage, maybe that belongs here and not in the manual, cause the manual can change.

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City Attorney Roberts stated he hates to reference a specific section because when it is re-codified they have to remember to go back and change the Bylaws but if they said, failure to abide by the Policies and Procedures manual as it related to conduct or something like that. Commissioner Jensen stated he would at least like to see that and maybe other Commissioners may not be aware of this but could aske staff at any time for a copy of that manual if they need to look over and see what they are concerned about but know that the section that applies to behavior is actually fairly small section so it might not hurt to photo copy that so the Commissioners have it or something. City Attorney Roberts stated it generally relates to the harassment section making sure they are conducting themselves appropriately and not harassing staff or public or anyone like that and that they are professional when dealing with members of the public as Commissioners that is generally what would be applicable to them. City Attorney Roberts asked the Commission if they would like him to add some language that references the specific part of the manual. Commissioner Rackham asked where the access was to this manual. City Attorney Roberts stated they can get them a copy if they want, they access it through an online portal with a login. Commissioner Rackham stated according to this they are being held to something they don't have access to, his opinion is address the specific points. Commissioner Day asked if they are considered employees of the City. City Attorney Roberts stated they are appointed officials, it kind of, it depends on what context he is asking if they are an employee or not . Certainly the code of ethics would apply to them because they are an appointed official, the manual applies to everyone who represents the City whether they are a merit employee, appointed employee, part time employee, elected official. Commissioner Day stated it is a leading question because if they are employees then the employee manual would apply to them, but do all of those really need to apply to them. City Attorney Roberts stated there are a lot of provisions that won't apply, talks about vacation and leave accrual, sick leave, things like that, a lot of it wouldn't apply to them in their position, but there is not a specific manual that would apply to the Commission that has been adopted so they have referenced it in the Bylaws. City Attorney Roberts stated he is happy to specifically identify the sections that would apply to them and put that into the rule if they like. Commissioner Jensen stated as long as there is something that says in regard to conduct since that is the reason it is in there for conduct.

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Commissioner Vaughan asked if there was anyone on the Planning Commission that does not receive a W-2 issued by the City of Syracuse as an official document indicating that they are receiving income from Syracuse. Everyone is receiving a W-2, they are employees. Yes it is true there are sections of the employee code that do not and may not apply to them but think that could be said for almost every other employee in the City but be absolutely, positively sure that they are employees. His feeling on this particular thing and will seize the microphone at this time. Attendance is an issue, this is the first time they have had 7 people on the body up here is a very, very long time. There have been too many meetings where there has barely been a quorum when they have been discussing some of the most important issues before the City and those occasions if they would have only had 4 people show up and there have been occasions where they had to make phone calls to ask a fourth person to come down so they could have a meeting. If there was an item on the agenda when one of those 4 would have had some type of conflict for whatever reason that person would have had to been excused and lost their quorum and then they would not be able to conduct the business of the City, that is deplorable. It is quite obvious that they cannot drop the hammer on this particular item that is why he is saying they should just leave it to

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the City Council, let them read the minutes, let them see how divided they are but unquestionably attendance is a major issue.

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Commissioner Jensen stated they did have another meeting recently where there had all 7 of them in attendance but it is a rarity, will admit that. *(Last meeting all 7 Commissioners were in attendance was August 4, 2015)*

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Planner Steele stated he would like to also remind the Commissioner's to notify the Secretary if they are going to be absent so staff is aware if they do need to, in his opinion, as long as they have people to do business but if staff has to call people then that puts a lot of stress on staff, but staff needs notice as well. Commissioner Jensen stated wanted to make another comment on the issue of attendance, whatever they decide but they do, but have other people who have applied to be Planning Commissioners that certainly every time they put applications out for positions they certainly have more applicants than they have positions by a long shot so just something for the Commissioners to think about if it going to be a chronic problem with them it might be more fair to the City to step aside and allow those other potential individuals to step forward and think the City would benefit better from that, not saying they need to make a policy or anything but is something to think about.

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Commissioner Rackham stated since they as a Commission, all they can do is ask the Mayor to consider it, the City Council, doesn't know how firm it is but think in paragraph III A, where they added unexcused absences may be cause, think they should also add the wording 'unexcused or excessive absences', but still doesn't go for the 80%. Commissioner Vaughan stated then they define the word excessive. Commissioner Rackham stated that is why he prefaced it, it is the Mayor's decision. Commissioner Vaughan stated which is why in regards to attendance they should just leave it up to the Mayor and/or the City Council and let them, just by telling them they are unable to come to a consensus, which even tonight they are unable to do so. Commissioner Jensen stated he would like to make a suggestion since it sounds like they are pretty much in agreement on the rest of the changes except for the attendance maybe they just hand it off to the Council and have each Commissioner submit their, a short statement saying what they'd like to see and then let the City Council decide which way they want to go based on that. If the body cannot come to a consensus they would just have each Commissioner submit their comments as to how they feel on the issue.

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Commissioner Day stated they were somewhat at a consensus though on this particular issue. Commissioner Rackham stated he hasn't heard a vote. Commissioner Day stated there are some dissenting opinions, differing opinions but consensus is 4 members and thought they were close to having that threshold. Commissioner Thorson asked if this was an item they were going to vote on to recommend to the City Council these changes. Commissioner Vaughan stated no, they are not voting on this as the City Attorney stated. Commissioner Jensen stated they would when it is put on the regular agenda. Commissioner Day stated then just move on to the next item then, if they are not going to vote on it, they have all stated their opinions.

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City Attorney Roberts stated that his plan is prepare a draft with those sections not amended and then just have a comment on there that says they have discussed attendance and then hopefully they have enough, thinks has heard comments from everyone enough that can sort of total the comments of the various Commission members into a report to the Council, unless the Commission doesn't want him to go that route.

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Commissioner Day stated he would like to throw a pretty large curve ball at this and extend the conversation, it is something that he has been thinking about quite honestly and that is he feels like sometimes and doesn't know if it would be in the Bylaws to address this but it kind of feels like it right now and wanted to bring it up. The Commission has a lot of good initiative on the body, a lot of self-starting and sometimes feels like they bring up codes to review and revise sort of independent of the City Council's direction and not saying that they don't need to be but sometimes they are really belaboring the body with these things. Anyone of them has an issue, their neighbor brings it up, whatever and they want to bring it on and revise the code, is that something the Bylaws should, or something they should address or is he just a lone wolf in that kind of thing, would the Bylaws be an appropriate place to talk about that.

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Commissioner Vaughan stated there are provisions in the Bylaws where they can have Commissioner schedule agenda items at any time on any subject so that pretty much clears it. Each one of them can always bring up an item that they feel is important, one of the things that they have discussed before and has brought it up before the Council is that sometimes the Council should give them direction on the items that they would like them to address, likewise they can tell us at any time items they would not like us to address and fortunately they have a meeting next week that they can ask that question, items they would like the Commission to bring up or not bring up and how would they like them to be brought up before them and brought to the Council. Thinks that would be the perfect opportunity to be maybe the first question asked of them. Commissioner Rackham stated that is a good idea but think they should give the Council forewarning, send them an email letting them know they are going to be asked that questions, that way they will have time to think about what they want rather than hitting them up cold. Commissioner Vaughan stated he doesn't know if they need to email them he has a messenger of the City Council seated with staff, asked City Attorney Roberts if he would please get in contact with the City Manager and ask them or mention the discussion tonight and advise them that is one of

the questions that they would like to put before the City Council on the 26<sup>th</sup>. City Attorney Roberts stated he would be happy to.

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**c. Upcoming Agenda Items**

Planner Steele stated they are awaiting a General Plan Amendment Application for the Criddle Farm property owned by Wilcox. Commissioner Jensen asked if under the new rules if that require a 15 day notice. Planner Steele stated one of the work session items is the proposed ordinance revision of that, so it would be within the 90 day window. Commissioner Jensen stated no, he meant whenever there is a General Plan change he seems to remember them including specific language saying that it has to be 15 day notice on the public hearing for the General Plan change. City Attorney Roberts stated yes, the notices of provisions are specific to the General Plan change but since they have not gotten an application, they have asked for permission to submit their General Plan change so at this point they haven't given staff the official change, as soon as they do they will make sure they comply with that specific notice pertaining to that. Commissioner Jensen asked if the City Council has directed staff to let that change go forward. City Attorney Roberts stated correct, to have it considered by the Commission.

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Commissioner Jensen stated he brought it up because it seemed like they were waiting on something and far as he knows it just has to be properly noticed so they can consider it, was how he understood it. Planner Steele stated once they get an application it triggers all of the noticing and they won't schedule with the Commission until are confident it can be noticed properly.

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Planner Steele stated he wanted to reiterate with the Commission regarding the noticing for tonight's meeting, there was an error with the Newspaper, not staff on the required noticing.

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**2. Discussion Items:**

**a. Noise Ordinances**

Commissioner Vaughan stated he doesn't mind being the first to talk about this item. For the last 2 years he has heard several people in various forums, business, social, church and just the man on the street and on social media have made comments about there not being a noise ordinance that covers certain functions here in the City and so last November he wrote up what is before them with the idea of possibly getting something basic on the code books that would address the most common of those complaints that he has heard. Number one is that they have construction noise sometimes 24 hours a day and number two sometimes they have trash collection beginning at o'dark thirty, which is disturbing to some people. Looked up codes up and down the State to see where they stand and there are numerous jurisdictions in the State that do have a basic noise ordinance, some of them are quite elaborate such as Salt Lake City, perhaps 15 or 20 pages are devoted to their noise ordinance. So plucked and drafted some of the best middle of the road comments he could find on what he thought were the 3 most important issues in regards to sounds here in Syracuse and those have been distilled to what is before them. Believe these would withstand any scrutiny by the City Attorney if he hasn't had a chance to review them at this point as far as being basically compliant with what State law is and what they could possibly do without being too onerous. One of the concerns he had is that there are many things they could add to a noise ordinance but one of those particular things requires a decibel meter and to have someone to be designated to be the enforcement officer control and custody of that and as much as they have a code compliance officer thought that person could easily be tasked with the additional responsibility of noise ordinance because sometimes they can operate in a setting say law enforcement or building department is unable to do so. Certainly wouldn't want to take away from the Syracuse police Department in conducting one of their affairs to send someone out to measure the noise level at a construction site in town. So basically that is the standing behind this, it has been kicking around for some time and it is a discussion item at this particular point and invite all criticism and any additions or corrections or take aways happy to hear them.

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Commissioner Jensen asked Commissioner Vaughan how he arrived at his numbers for the decibel levels. Commissioner Vaughan stated those are basically National standards and in looking at manuals and books would come up with those numbers. Commissioner Jensen stated he does have an issue with Agricultural because he was looking at another document where it's talking about the average levels outputted by Agricultural machinery and for an example your average larger tractor puts out 100 decibels which is way over 75 and so also thinks some of those numbers are actually lower than our current ordinance. They have 2 zones which actually call out noise levels and possibly a 3<sup>rd</sup>, knows specifically the Neighborhood Services has a noise standard under Industrial Performance Standards and Industrial has a very extensive noise ordinance standard and would hate to see those 2, would like to see those used as their baseline for Commercial uses or non-residential uses and in particular the Industrial does talk about impulse and a bunch of other information, it is actually a pretty extensive ordinance, they decided to simplify that for Neighborhood Services but do think that some of the points that are in the Industrial Standards are good ones and wouldn't want this to supersede that, think they have to make sure that they are both in compliance with each other but do think that what is in the Industrial Performance Standards is a good standard.

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Commissioner Vaughan stated he would volunteer to do a survey of the 20 largest jurisdictions in the State of Utah to determine the exact number comparisons between what they have before them and what is the average or top and

bottom numbers for again those 20 largest jurisdictions that do have anything covering this. Planner Steele stated in his opinion and from personal experience the common denominator problem here is the neighbor who is really loud after 11 o'clock or 10 o'clock and from his experience has seen that in the criminal ordinance and know they don't want to burden the Police Officers with more things but know the code officer is a part time employee who might not be available to respond to some of those things unless he is writing letters during the day when he is in, just something to think of. That is probably the lowest hanging fruit is the nuisance related noise that are late at night or early in the morning kind of thing but then there is the other land use related problems that are addressed in the Industrial already but there could be other nuisance related things as far as the noises coming from businesses and things like that. They have had some complaints from neighbors behind the Rush that they open their door or even behind the Snap Fitness and they have loud music playing and they open the door to get ventilation in there and it carries over into the neighbors so those are some of the things that they could address with this ordinance.

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Commissioner Vaughan stated they also had a residential business application involving a basketball court in a neighborhood several months back that would have taken care of this particular or should say a noise ordinance would have helped out with that. Is amendable and feelings will not get hurt if 6 other people here at the table say no, they are not interested in doing a noise ordinance at this particular time, brought it forward, should it come up in discussion again either another Commissioner or City Council who is sure reads their minutes regularly they will know at least they discussed it. City Attorney Roberts stated there is some, this could be addressed in a nuisance code rather than a Land Use code, so it could be something the Council could do without touching Title X, if they wanted to they could pass a code that talks about nuisance noises and then it wouldn't even need to come before this body. The way that they have it now with the zones and specific levels it reads a lot more like a Land Use ordinance but it could be either way, it doesn't necessarily have to be a Land Use code.

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Commissioner Jensen stated just wanted to be clear, does think it is good that they have an ordinance somewhere whether that is under Land Use or under another title is certainly a subject for debate just wants to make sure that they are not going to be overly burdening somethings. Commissioner Jensen asked City Attorney Roberts if someone applies and gets agricultural protection part of that whole purpose of the agricultural protection is to protect them against specifically this type of thing with neighbors basically complaining against their use because they are an agricultural protection area, any thoughts on that. City Attorney Roberts stated he isn't familiar with that provision of law yet, can look into it though and see if it has specific, has seen some where there is industrial use and where there is advancing residential uses cannot say that the industrial use was a nuisance, imagine it is similar to that but not familiar enough to answer that tonight. Commissioner Jensen stated is an ongoing thing these numbers might not be bad specifically in agriculture just have 3 or 4 times a year when are harvesting or something and will be noisy for basically a couple days but then are gone and so want to make sure they are not going to overly burdening their agricultural land owners by setting a level there and do think that they need to compare this to the Industrial Performance Standards, Neighborhood Services and Industrial and believe Business Park talks about sort of as well but not specifically sure on that, certainly would like to see some more work on this, don't want to see it go away. Planner Steele stated he has seen plats that go in next to agricultural protection areas where they have written on the plat 'you are next to an agricultural protection area, there may be x, y, z' that can help some of those nuisance cases.

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Commissioner Day stated he thinks he has done a great job, likes how simple it is, if they were to proceed with this, two things that he would like to get, not real familiar with decibel levels so would like to get some really good information on that so they would have something to benchmark against verses just, something legitimate. And second of all thinks Commissioners Jensen brought up a good point and staff kind of eluded to it and because of the resources that staff, that the City would have to commit to enforcement, etc. those types of things would like to get some guidance from the City Council as to how to implement and pursue this, ultimately City Council is going to be direction to staff, regarding time and commitments and those types of things so those are his suggestions.

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Commissioner Rackham stated when he first read it, he thought it was a bit burdensome on people, if you look at some of the decibel levels, we have snow and most people like to shovel their snow before they drive and happen to have a fairly large driveway, snow blower is 85 decibels, you can't have more than 50 and it takes him at least an hour to shovel so he would have to do it over a period of time rather than all than once, so think that one is a little bit low. The day time is a little bit low, just for reference, mowing your lawn is 65-90 decibels and talking is 60 decibels so if you are out in the neighborhood talking to your neighbor for an hour you have exceeded it. The other thing is by putting the code enforcement person in charge of monitoring this, where it says an hour, they would have to sit there for an hour measuring the decibels and making sure otherwise doesn't know it is a code violation, not so sure, it is a little over restrictive is his point. Understand the hours from 11pm to 6am, want to hold the noise down but if look at Layton believe that is what theirs is, not allowed to do certain things during times of the day or night

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Commissioner Thorson stated he thinks the hours should be opened up, daytime for him starts at 6am and it doesn't end until 10pm, 7 pm is when people get home from work and have a BBQ so would like to open up the hours and increase the decibels. Think the target they are going for is obvious infractions and enforcement in his mind is going to be a complaint to the police department, show up and say 'you can't do things now, calm the party down' other than that the

one hour average could do a lot of things with a lot of noise within an hour and have the average be pretty low still but a nuisance kind of thing with the code enforcement through the police department is where he sees this happening. It is going to be a phone call, 'hey my neighbor is being a jerk, talked to him and he is not turning it off, he still has his backhoe out there digging a hole, beeping at night' and that is where they will see this come into being a benefit. Likes it, would open the hours and bump up the decibels cause think they are going to restrict a lot more than the obvious infractions. Is interested in having a comparison to other Cities, is interested in seeing what other Cities say and will probably do some research on his own as well, it was mentioned this came from somewhere also and wondered where did it come from. Commissioner Vaughan stated it came from 6 jurisdictions, Salt Lake is one as a comparison, it has been compared to more jurisdictions than that, actual language comes from at least 6.

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Commissioner Vaughan stated he would be happy to do that, again there is no pressure, obviously they haven't seen it scheduled on or being pushed on passing it. Obviously staff is going to have to spend some time if they like the idea and then ask staff if they would take a look at it, think that is possibly where they are at this particular point. Is happy to do much more research on it and bring together a much clearer package rather than just sending 2 pages that say okay here is the ordinance lets jump in the pool with it. We all know that staff is currently shorthanded, fortunately we have some capable people working in that department but nevertheless additional work is additional work and don't want to overburden them. They also have the luxury and this is a rare opportunity that are afforded is for them to have a joint meeting with the City Council next week and this is something they can bring up again, as a request to our City Attorney Roberts if he would mind discussing this possibility with the City Manager to see if he would be interested in presenting it at this particular forum. Is assuming that like other meeting that the City Manager will probably have a major input in presenting things and obviously the Mayor would preside but think the City Manager would be a strong protagonist for items on the agenda. Commissioner Vaughan stated he had not considered snow blowers and are absolutely correct in the noise, has a monster one himself.

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Commissioner Rackham asked if it is a noise ordinance can the police enforce, if it is a nuisance ordinance would the police enforce it, is there a difference in who enforces it verses where it is written. City Attorney Roberts stated no, it could be anyone designated by the City, for all practical purposes if it is a night time complaint our code enforcement officer unless they out him on-call and sort of have him ready to zip over here and investigate the claim, those would all be handled by police, generally people are going to call police dispatch, they are going to dispatch a unit there and if a party is too loud they are going to knock on the door and tell them to be quiet and then if they don't that is where would run into this, whether they enforce it or not. Planner Steele stated Planning Tech Adams showed him a noise ordinance for Syracuse New York that has a very common sense rule and basically says if you are producing a lot of sound that is crossing your property boundary and annoying other people, stop it. 'No one shall play any radio, stereo, television, musical instrument or any device that produces sound in such a manner as to create unnecessary noise that crosses property boundaries and annoys a person of reasonable sensibilities. The noise ordinance is in effect 24 hours a day and complaints can be called into the Police non-emergency number.' Commissioner Vaughan stated if the other Commissioners don't mind will have a report in the packet for their meeting in February after their joint meeting. Commissioner Jensen stated he would encourage him to look at the Industrial Performance Standards in the Industrial zone when considering to compare those standards with what he has here so they can dovetail with each other. Planner Steele stated as a point of clarification, what kind of staff input would they like on this. Commissioner Vaughan stated at his particular point if staff wants to jump in fine, but is not looking for any at this particular point, it is his intent not to burden staff with any hours much more than what was to include in the packets. Commissioner Jensen stated his suggestion to the Chairman would be if staff should stumble across some ordinances between now and the next time they discuss it maybe include them in the packet, so they can use those as a comparison. Planner Steele stated they are short staffed but it is our job and so if there is something the Commission wants us to look into are happy to do it.

[7:13:08 PM](#)

#### **b. Parking Ordinances**

Planner Steele stated there has been some questions about parking requirements. In the current ordinance, included in the packet, there is a parking minimum and a maximum, think with what spurred all of this is Syracuse Assisted Living, they meet the parking ordinance but it seemed like, the site plan was approved with some reservations by Commission members feeling possibly there wasn't enough parking. Went to a reference book that have for City planning and made a copy, and some ordinances, some cities follow this. Highlighted in red what the requirements are, what they suggest and this is as a source *Transportation Planning Handbook, second edition, Institute of Transportation Engineers*, and am not a transportation engineer but this book say this is a good suggestion for parking. Elderly housing, Independent living: .6 per unit, Elderly housing, Assisted living: .4 per unit, Group and Nursing Homes, 1 per room and then looking at our ordinance for Nursing Home, 1 per every 5 beds, so the recommendation is to actually have more parking than what we are requiring in our ordinance, so that would be an easy change if they wanted to focus on that one problem area or if they all want to open up all of the parking or if that was the main concern.

[7:15:10 PM](#)

Commissioner Rackham stated he remembers that one, one of the issues was that they had a small number based on the number of beds but the problem was that they had no place for the employees or the employees would take all of spaces, so think there are some in there, some of the uses that require that they add something for employees along with this number additional based on the number of employees that intend to be there.

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Planner Steele stated in the first table as an example, Motor Vehicle Laundries, '2, plus 1 per each 2 peak shift employees', Assembly Hall/Museum, '1.5 per 1,000 annual visitors' so there is and whatever the Commission thinks is the right way to do it, any of those metrics as long as it is quantifiable for staff as they get applications that come in. Think that these Group and Nursing Home suggestions in the Transportation Engineer Manual probably take into account the employees. Commissioner Rackham stated is sure it does but without making major changes to our ordinance that was the big thing he was looking for was to add something that says for peak hour employees will add parking for that and also question why they have a max. Commissioner Day stated he wanted to speak a little bit to this, several of their commercial parking standards are very, very low, for example convenience store are usually 4 per 1,000 that is required, fast food any sort of food services are usually at 1 per 100, so 10 per 1,000, so think they would want to look at those and his experience within the community also is that within some of their commercial centers there is not enough parking, can think of 2 or 3 recently that has been to and during peak hours there are a little bit low and don't know why they would have a max, just doesn't make sense, they set the minimum benchmark, if they want to do more think that would be better, unless they are trying to get some sort of sustainability encourage people to walk, think that is where that comes from.

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Commissioner Jensen stated the other reason that would be in there is the thought is that the more acreage dedicated to parking spaces the lower the tax base, cause want to have a building on that acreage a parking space isn't worth as much in taxes. Commissioner Day stated he thinks that is more of a self-regulating type thing, wouldn't put more parking there than need to. Commissioner Rackham stated that is his opinion too, think they'll know how many they want and they won't want to turn their whole lot into a small building with a huge parking, it serves no purpose for them. Commissioner Day stated the one that he can think of is the one by the Movie complex, if ever drive by on the weekends can see there is not enough parking. Commissioner Rackham stated all the time. Commissioner Day stated as he looks through this he can see why. Commissioner Jensen stated he's parked on gravel a few times. Commissioner Day stated his thoughts are they may want to investigate this a little bit further.

[7:19:00 PM](#)

Commissioner Jensen stated his other thought on this on the other extreme talking a really large box store, Walmart is a perfect example, about half that parking lot is empty 360 days out of the year it is only 4 or 5 days out of the year where they might even need all that parking. So essentially it is good to plan for those peaks but think that those are extreme case and think that need to look if there is a way, if there are multiple business involved then they can be a little more flexible on the parking to allow for that, cause certainly having a maximum for one business might make sense but if 5 or 6 are sharing the same parking places then combined they might not use as many parking places as they would individually.

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Planner Steele stated for next time if they want he could take each one of the uses and then on the table can add another column and just show them what the above table recommends so they can compare it and see where they are high or low. Commissioner Jensen stated based on what is highlighted in red with the Elderly and Group Nursing Homes, do think they do need to raise their numbers on that particular use.

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Commissioner Vaughan stated his observations in regards to parking there basically is never enough and in a lot of developments and think this is throughout the US, that the only time the top end number of parking runs into a problem is when it bumps into the required percentage for landscaping and footprint and setback. Offhand have they ever come close in staff's knowledge where they have had to concede parking spaces because they have run into a landscaping percentage. Planner Steele stated no, it has never been an issue in his experience in fact most developers have landed right in the, well most developers want to save as much money as possible so they just go to the minimum amount. Planner Steele wanted to mention there is a book it is called *The High Cost of Free Parking* and it talks about some of the consequences that come from having and this is more on an extreme measure of talking about more academic look at across the Nation all of the big box stores and the giant parking lots and what that does to the urban form of our cities and the walkability and storm water runoff, tax bases and if they allowed free reign parking it does have consequences but from his experience hasn't had anyone who is proposing a giant parking lot so agrees the maximum isn't an issue as long as they have the minimum required. Commissioner Jensen stated the other thing on the maximum down the road they might decide to squeeze in a little strip mall and so that maximum kind of goes away, if they have a whole bunch of parking spaces now but later on want to squeeze in another store they could always do that as long as they meet the minimums. Planner Steele stated like an out parcel. Commissioner Jensen stated it is better to have it paved than have it be weeds basically.

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Commissioner Vaughan stated it might be kind of difficult for obviously the existing businesses and whatever because they are grandfathered in but an entity like a large drug store that sells an awful lot of merchandise that might come into them because they built these things throughout the United States they probably have a pretty good idea how many spaces they need to service their particular facility so when they come in with a map think they already have that in mind, this is how many they think they need because they have done their homework on the demographics. Every fast food franchise in the United States has a basic package that they hand out so from day one they can tell how many spaces they should have minimum to service their facility. There is a lot of information that has been done for them out

there it is just whether or not they can take advantage of what is before them. Would recommend it, obviously they are going to be discussing it in the future, if anybody has any particular business or class of business type that they have a question about, do a little homework and find out what they think is a good number to bring in and can start getting educated on this. Parking is very, very sensitive and unfortunately it is very, very permanent, they are talking about asphalt and concrete so once they make a decision there it is, they can't go back. There are a lot of jurisdictions that have told developers that it is actually cheaper for them to put in a parking space than it is to landscape it. That is because asphalt goes in once but plant maintenance, watering all that stuff goes on month after month as long as the business is there, it is a surprising compromise but it actually works out.

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Commissioner Jensen stated since Commissioner Day seems to have some experience with this working with the numbers recently maybe if he could jot a few of them down when he is thinking about them, so he has them ready for the discussion next time. Commissioner Day stated he can do that. Commissioner Rackham stated to clarify is Planner Steele going to make that extra column. Planner Steele stated yes, he will do the column for the next meeting.

[7:25:30 PM](#)

**c. Final General Plan Map**

Planner Steele stated he just wanted to bring it back to the Commission, hopefully they have had a chance to review it but this is the final product of all of the General Plan changes. Commissioner Jensen stated thank you for notching all the conservancy areas. Planner Steele stated as they can see on the southeast corner the hatched areas are Nature Conservancy. Commissioner Jensen stated Councilwoman Lisonbee in her motion said she wanted all of the land that is currently held by the Nature Conservancy Districts to be open space and so that changed their proposal slightly.

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Commissioner Jensen stated everything else looked good to him, there is one thing in retrospect he wished they would have fixed it but they didn't do it is too late but that was because he forgot. Essentially that strip that UDOT now owns next to the subdivision they approved last week there along the Emigrant Trail, would have loved to have seen that go to open space because don't think they are ever going to be able to develop that but. Planner Steele asked which one, the Bluff at Lakeview farms. Commissioner Jensen stated there is a strip of R-1 that is right up against the R-3, he can address that next time the General Plan is open but doesn't ever see them ever building anything there because it has been orphaned, so might as well make it open space, that doesn't apply to what they approved this time, just forgot about it.

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Commissioner Thorson asked if the General Plan Map was closed for 2 years now. Commissioner Jensen stated 1 year actually, it opens on odd numbered years. Commissioner Thorson stated so it is closed for 1 year and then on to the 2 year cycle. Commissioner Vaughan stated there is an asterisk beside the words closed. Commissioner Thorson asked but they are considering one next meeting. Commissioner Vaughan stated that is because he learned at the last City Council meeting that they extended perhaps the City Attorney might comment on the exact time and those properties and the background behind it.

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**d. 10.20.060**

City Attorney Roberts stated and that kind of dovetails into their next items, unless they have any questions on the General Plan Map, the next time is proposed amendment to 10.20.060. At the last Council meeting it was proposed by the Council that since this was the first time that they closed the General Plan and the General Plan Map that they should make some accommodation for people who didn't have sort of advance notice, now there will be that 90 day noticing period before they open the Plan so the other thought was why don't they have a bit of a one-time grace period that would allow people who submit their application between the closing of December 15, 2015 up until March 15, 2016, if they do then they can go ahead and consider those. So the Council said they would like to do that, they would like to present, an ordinance that probably needs to be changed a little bit for the Commission's consideration that sort of codifies that decision that the Council, the way they would like to go. So they have one applicant who brought in, who asked for permission to have it brought to the Commission and the Council has said yes and lets change the code to make sure that is provided for. Commissioner Jensen stated he did point this out to Councilwoman Lisonbee and she said that this, certainly the 90 day period this one time because they wanted to make sure everybody knew the General Plan was going to be closed. Normally they would be noticing October 1<sup>st</sup> that it is going to be open and then closed after January, but this one time since they closed the Plan so quickly they wanted to basically give a 90 day grace period but as far as codifying that into ordinance, think she would rather in talking to Councilwoman Lisonbee about this she said she would rather see it just as a resolution by the Council and not actually incorporated into Title X because it is a one-time thing and plus the Map is going to be open in January which is about 11 months away.

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City Attorney Roberts stated the concern he has with that is the Council just disregarding its own ordinance by resolution, think the wiser course think would be to codify it and then later in the revision once it is an established practice they can remove it, but until then think the wiser course to go is to modify the ordinance so that they are complying with the ordinance that they have enacted. Commissioner Jensen stated in that spirit can he make a note on d) that instead of saying 90 days say request for consideration comes in before March 1, 2016. City Attorney Roberts stated March 15, 2016 is what the Council wanted and that needs to be modified and just wanted to let the Commission know this was coming as this was a very rough draft. Commissioner Jensen stated he would like to see the 90 days go away

and just put request for consideration comes before March 31, 2016. City Attorney Roberts stated this will come back and be on the regular agenda for the next meeting for the Commission's consideration at that point.

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Commissioner Moultrie asked if they have to give 90 days, why drag it out so long. City Attorney Roberts stated the discussion at the Council and this was mostly during their work meeting was let's give them a fair amount of time to close it but if they have a different recommendation they could definitely send it up to the Council with a different time frame on it. Commissioner Moultrie can see 30 or 60 but think 90 is too much time. Commissioner Vaughan stated d) as they see on the screen is that for this year only or is this something that is going to repeat every time the General Plan closes, so there will be a 90 day grace period 2018, 2020, 2022, get the drift. City Attorney Roberts stated that wasn't his impression from the Council meeting last week, think they were intending this to be a one-time grace period. This was drafted of course they have the packets put together quickly after the Council meeting this was put together pretty quickly. Commissioner Vaughan stated that is something that can be suggested to the Council, because right now it looks like it is open every 2 years for that additional time. Thought it was funny that the first meeting after the General Plan is closed the Council is looking for loop holes to get around what they just did and one of the things that would suggest that may want to consider putting d) is 90 days is whether or not that falls on a holiday, a weekend, whether or not that is subject to weather conditions or whether or not there is an emergency at City Hall that cause the building to be shut down and an applicant is waiting at the door and can't get in because someone pulled the fire alarm, just looking at the downside of some of these things.

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Commissioner Rackham stated his opinion is like they said think 90 days is a little too long, his preference would have been 45 days and do like Commissioner Jensen's suggestion of putting an actual date that it closes. Commissioner Jensen stated this is only supposed to be a one-time provision, so let's just say for d) March 31, 2016 as the deadline, if they don't get it and that will give developers 2 months to scramble and get to us, once they see that they are going to be coming in and that is actually is not what the General Plan Committee wanted to see but since the Council wants to grant the people that leeway that would be how he would compromise it. Commissioner Rackham stated just thinks 90 days is a little too long. Commissioner Moultrie stated March 1, 2016 would be great.

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City Attorney Roberts stated for practical purposes if this comes back to the Commission on February 2<sup>nd</sup> and goes to the Council on the February 9<sup>th</sup> that is the earliest when it would sort of be published and people would know hey this is the case so if it was 45 days it would already be passed so people wouldn't have the opportunity to take advantage of it, 60 days would be, they would have until the end of the week basically to get it in, so think that was another reason the Council was thinking they need to give people enough time. March 15, 2016 would be a full month it potentially could be passed so people could have a chance to read it and find out that that grace period has been offered to people.

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Councilman Gailey stated when they got the Commission's packet it opened a hail storm and to a man or should say to a woman now cause they are outnumbered, everyone was in agreement with what they had done with the Plan to begin with and their concern was just this first time maybe giving just a little wiggle room and the date that they set as he remember the tick date was the 15<sup>th</sup> of December so it would be the Council's recommendation to be the 15<sup>th</sup> of March, that would be the 90 day period that it would close and it was a one-time thing. As they read through the packet they were concerned with this looking like it was a repeated thing, but this was a one-time amnesty that they wanted to offer. So the date in the Council's mind was the 15<sup>th</sup> of March. Commissioner Jensen stated in the interest of giving a little more wiggle room because it is going to take time to notice this, would march 31<sup>st</sup> be acceptable to them. Councilman Gailey stated he would open that up for their recommendation to the Council, they didn't want to open it too wide but whatever they think, that was their feeling, they just wanted this first time to give just a little wiggle room for somebody who might have been caught on the fence and so that they didn't have that criticism and the intent was to start, the tick date was the 15<sup>th</sup> of December not the 1<sup>st</sup> of January. Commissioner Jensen stated he understand, what he is suggesting is 106 days instead of 90. Councilman Gailey stated their bigger concern was the fact that it was a repetitive ongoing thing and that was not it at all just this one-time amnesty period. Commissioner Vaughan asked if it was 90 days from an action or 90 days from when the General Plan went into effect. Councilman Gailey stated from when it went into effect. Commissioner Vaughan stated because each time they delay it another week they are cutting down on that period of time in which an applicant has an opportunity as opposed to making it 90 days from when it is passed. Councilman Gailey agreed and there intent was to make that shorter and not longer, but discuss and make a recommendation to the Council with what they think, but thinks the date he remembers from Council was the 15<sup>th</sup> of March. Commissioner Vaughan stated if they were able to vote on this right now, it wouldn't hit the Council, a regular Council meeting until for 3 weeks. City Attorney Roberts stated the first business meeting in February. Commissioner Vaughan stated they have already taken another 21 days away, that is why he is saying it would be his recommendation that it be 90 days after passage as opposed to just being a date because if they were trying to be fair to someone who came up at the last Council meeting they wacked them out 3 weeks. Councilman Gailey asked if he was talking about 90 days from the Council acting on it after the Commission's recommendation. Commissioner Vaughan stated yes from when they passed the. Commissioner Jensen stated if they are going to do that he would be more comfortable with 30 days.

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Commissioner Rackham asked staff other than the Wilcox property, has this turned anybody away, any applicants away. City Attorney Roberts stated he heard Planner Schow telling people about the closed General Plan before so they

may never know who had read the ordinance or who has come to the counter and said they wanted to do a development and were told it was closed as opposed to those who sort of said they were going to ask for permission anyway but don't really know. Planner Steele stated from his experience hasn't had anybody come to City Hall at the counter with an application and then no one has been told no it is closed, knows there has been inquires by developers and the rules have been explained and so it may have prevented an application from coming in, just don't know exactly what had been told. Before it closed he had a few conversations with some developers and they weren't very excited about the idea of it closing. Commissioner Rackham stated it doesn't prevent them from building, it just has them build what either is in the zoning or the General Plan. Councilman Gailey stated there is no opposition to that from the Council either, they aren't backing off what was passed what the Council, and maybe they are opening up a bigger can of worms than they wanted to but they wanted to be able to give the provisions, so think the Council would be open to a suggestion, 30 days from passage, 45 days from passage, think they would accept whatever the recommendation from the Commission would be. Commissioner Jensen asked City Attorney Roberts currently they do not require a public hearing for ordinance changes. City Attorney Roberts stated for Land Use changes they do, that is State code, so this is a Land Use code so it would require it. Commissioner Jensen stated looking at this essentially if they fast track and say now they are going to do this they could essentially, either have the public hearing on the 2<sup>nd</sup> or have the City Council have the hearing on the 9<sup>th</sup> of February, because the City Council could decide on this on the 9<sup>th</sup> of February. City Attorney Roberts stated they can, the usual procedure is to have the hearing here with the Planning Commission rather than the City Council although they solicit public input anyway. Commissioner Jensen stated just saying if they were pressed for time could roll the public hearing over to the Council. City Attorney Roberts stated they could but think they've got enough time that we can get the notice put together. Commissioner Jensen stated they have from February 9<sup>th</sup> until they want to close it, whether that is March 15<sup>th</sup> or March 31<sup>st</sup> think that is plenty of time.

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City Attorney Roberts asked if they have a preference as a Commission to the date, can put it in the draft and can change after the hearing if they want, is there a preference on date, want to stick with what the Council suggested or want to make it longer, what is the body's recommendation. Commissioner Vaughan stated thinks they are happy with what the Council would like after all they are going to meet with them in a week that would a question they ask, on something like this think they are pretty much going to fall into lockstep with Council.

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City Attorney Roberts stated he will start with March 15<sup>th</sup> and that can be amended by either the Commission or Council.

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Commissioner Rackham stated to clarify though they are not going to take any applications until it is approved by Council. City Attorney Roberts stated if someone puts in an application it would have to be to the Council to have the General Plan opened. Commissioner Jensen asked if this is in the ordinance, if someone submits by March 15<sup>th</sup>, they are golden, however long it takes the Council to decide whether they want to do it or not, they would have to have their application submitted by March 15<sup>th</sup> is that what they are shooting for. City Attorney Roberts stated it sounds like it, yes. Commissioner Vaughan asked if staff will be noticing this that they have extended the period of time, would hate for someone who has been considering doing this and then found out that they closed the General Plan and then they have no way of knowing that they may have been one of these people would qualify for this extension period. City Attorney Roberts stated the noticing will be in the paper and the usual noticing process but are not going to do anything specific like targeted noticing or contacting developers. Commissioner Vaughan stated he know we can't contact every developer in the County but trying to figure out what is a fair way of letting them know that they have added an asterisk to the word closed. Commissioner Jensen stated essentially it is closed unless the Council decides to open it and this is just giving them one more mechanism should they chose to open it, they could still say no. Planner Steele stated the way he is explaining it to people as they call in, is not saying it is closed, saying that the open period is closed which basically just adds an extra step, they can still get through the process if they want it just has to go through another filter. Commissioner Vaughan stated he thinks the Commission is looking for fairness and if staff can find the fairest thing to do think will give support to that.

[7:44:23 PM](#)

**3. Commissioner Reports:**

Commissioner Moultrie had nothing to report. Commissioner Day had nothing to report. Commissioner McCuiston had nothing to report.

[7:44:57 PM](#)

Commissioner Rackham stated he just wanted to make a point of clarification, just in the meeting minutes when they make a motion to adjourn they don't need a second, don't need a vote.

[7:45:47 PM](#)

Commissioner Jensen stated he attended another one of the open houses, the Town Hall meetings, there will be another one tomorrow for the people that are west of 2000 W and south of Antelope that is the 4<sup>th</sup> district that they are doing and the last one they do. Kind of reported on it before, the only new bit of information is that the City is now actively lobbying the legislature for the extension of State Road 193 from 2000 W to 3000 W with the thought that if they can get that in before they start the construction on 2000 W that it can alleviate traffic, so they are pursuing that with the legislature and the other thing he needs to report which dovetails in with his conversation last time about the consolidation of Title X, the City Council is certainly fully cognizant of what is going on with that and will be meeting with Director Mellor

within the next week or so and hopefully Planner Steele and after that meeting it should be ready for a first reading with the Planning Commission and as has said before the purpose of the first reading is to bring it to this body get some suggestions and then try to incorporate those suggestions into an actual draft so it the intent is not to pass this thing really quick, the intent is to try to since they are trying to consolidate things down to charts that while they are here let's try to get the suggestions in that they can.

[7:46:31 PM](#)

Commissioner Thorson stated he wanted to bring something up and not sure but guess he is disappointed, in the last meeting they had a property that was rezoned from agricultural to R-1, that rezone came about as a General Plan Map amendment that came as a last minute application, a live application as it would have it and approved by the City Council immediately, right as the Plan closed, that application was not ever addressed by the Commission, that application was never noticed, it did happen in a public meeting and then that was done and then last Commission meeting wasn't able to attend, was sick, read the minutes and in spite of a lot of opposition it was approved at least recommended approval by the Commission because it is in the General Plan and they really don't have, outside of really considerable reasons to go against the General Plan. So in one month, less than one month, 3 weeks, property went from agricultural on the General Plan and on the Zoning Map changed to Residential on the Plan and then changed to Residential on the Zoning Map in the course of 3 weeks and the Commission's reason for approving it was because it was on the General Plan and is disappointed that that was never noticed as a change on the General Plan and then even, his neighbors, it is near his property, his neighbors had no recourse because the Commission's resolution, or motion was, the Commission has no reason to deny it, it is on the General Plan and his disappointment is in the noticing of that, really doesn't know how that happened that quickly without any objections. He would have objected to it, would have voted against it because of all along the Great Salt Lake, that will be the closest residential properties as a spear point right out to the Lake, would have rejected it on conservation issues on that reason. However, it got approved because it was in the General Plan and doesn't know how that happened but not, guess is disappointed there wasn't consideration that they never looked at it as a General Plan Map change and it was approved as, well, it is on the General Plan Map, doesn't know if that is an opinion, if that was noticed properly, know there was an opinion given in the meeting, in the minutes that it was or has, it was okay because it was in a public meeting but that was a really swift change after they considered all the changes and then it got approved and changed. Approved and closed and rezoned like that, lickety split, no way that that property owner was gonna let that sit open for very long without a change so, guess he just wanted to express his disappointment and that noticing process or in that whole 3 week period that that property changed to that kind of land use.

[7:50:00 PM](#)

Commissioner Vaughan stated it is just an advisement, the assisted living facility on 2000 W, a couple hundred yards north of the Elementary school has begun their grading, they put up their dust control fence so it looks like the assisted living facility is going to be moved on rapidly even though it is snowing outside. Planner Steele stated they have received a building permit application for it and they are moving forward.

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4. **Adjourn**