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**MINUTES FOR A STUDY SESSION WITH
PLANNING COMMISSION
&
CITY COUNCIL
September 5, 2006
6:05 p.m.**

Present: CITY COUNCIL: Mayor Joe Johnson, City Council Members: Richard Higginson, Barbara Holt, R. Fred Moss, John Pitt, Thomas Tolman
City Manager Tom Hardy, City Attorney Russell Mahan, City Recorder Kim Coleman, Parks/Recreation Gerald Wilson.

PLANNING COMMISSION: Chairman Mark Green, Vice Chairman Clark Jenkins, Michael Allen, Ray Keller, Tom Smith, City Engineer Paul Rowland, Planning Director Aric Jensen, Planning Assistant Francisco Astorga, and recording Secretary Connie Feil.

Absent: PLANNING COMMISSION: Kirt Peterson.

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Johnson welcomed all those present and had all those present introduce themselves.

Russell Mahan explained that the Foothill Zone was revised several years ago and the City Council and Planning Commission would like to review the effect of those changes and explore the possible update. Mr. Mahan reviewed the conceptual outline which is as follows:

Mountain PUD Zone /Overlay Zone

1. All developments are to be a PUD
 - streets are to be owned by the PUD homeowners
2. All developments are a conditional use
3. All developments are to have clustered housing on buildable ground with maximum open space held in a common area
 - 5000 square foot minimum building pads
 - density standards of XX
4. Ground above 30% slope is unusable
5. Ground less than 30% slope that is not accessible by a road meeting code requirements cannot be developed
6. The Council will have limited exceptions/waivers authority:
 - road grade standard is 12% with limited exceptions to 15% but only on a

1 straight road and only for up to 10% of the total roadway
2 - cuts and fills standard is 10 feet, with limited exceptions to xx feet, and
3 not exceeding 20% of the total roadway
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6 Mr. Mahan has some concerns with regulatory taking on the hillside. All scenarios can't
7 be known in advance and saying "no discretion" could lead to regulatory taking. Some standards
8 need to be established. Mr. Mahan feels that the main goal for the City should be to not have a
9 regulatory taking on the hillside.
10

11 Aric Jensen explained that the current code has a minimum building pad of 6000 square
12 feet, not 5000 square feet, which he feels should remain at 6000 sq. ft. When Mr. Jensen and
13 Mr. Mahan drafted the changes they agreed that some flexibility was needed with no open-ended
14 discretion so as to avoid the arbitrary and capricious standard. There has to be some
15 development, but it should be controlled to keep the financial impact to a minimum on the City
16 and the tax payers. Also they felt it was good policy to minimize the visual and physical impact
17 of development in the hillside areas.
18

19 Barbara Holt explained that when these changes were brought before the Planning
20 Commission, the changes were generally accepted. The Planning Commission suggested that a
21 joint meeting be held with the City Council to discuss all issues. Mrs. Holt is comfortable with
22 the proposed changes.
23

24 Clark Jenkins explained that the Planning Commission has had several discussions
25 concerning the items listed. The Planning Commission would like to know if the City Council
26 is in agreement with the problems on the hillside, and what the general policy is for building on
27 the hillside. The Planning Commission needs the feed back from the City Council in order to
28 make better decisions when the issues are brought before them.
29

30 Michael Allen mentioned that the primary goal for adding developments as a PUD was to
31 help the City with the responsibility and expense of maintenance for snow removal, road repair,
32 failing retaining walls, etc.
33

34 There was an open discussion about each item listed above. The following are some
35 concerns and suggestions from the discussion:
36

37 Concern with the policy that "All developments are to be a PUD."

38 - suggestion - Consider adding language to allow exceptions for 2, 3, or 4 lot
39 subdivisions.

40 Require all retaining walls to be structurally engineered.

41 New engineering restrictions for hillside areas.

42 - Road construction standards.

43 - Require retaining walls with drainage standards.

- 1 - Require all cuts and fills over 4 feet have structural retaining walls.
- 2 - If necessary, narrow the roadway in PUD's to reduce cuts/fills.
- 3 - Roads cannot cross 30% slope without an exception.
- 4 - Roads cannot cross any slope greater than 45% - no exceptions.

5
6 There was a discussion on the pros and cons of requiring a PUD. The majority of the
7 undeveloped property remaining on the hillside better fit the requirements for a PUD rather than
8 a standard subdivision. Having a PUD will eliminate the cost of maintenance for roads, walls,
9 etc. that would be borne by the general tax payer. Exceptions could be granted for 2,3, and 4 lot
10 subdivisions as reviewed on an individual basis by the Planning Commission. Having a
11 Conditional Use Permit attached to a PUD is a great tool and should be required.

12
13 Mayor Johnson thanked all those present for their comments and concerns and stated that
14 it had been a good discussion.

15
16 At 7:05 p.m. Richard Higginson made a motion to adjourn and continue with the field
17 trip to the proposed skateboard sites. Tom Tolman seconded the motion. Voting was
18 unanimous. Meeting adjourned

19
20 **Skateboard Sites Field Trip**

21
22 **Those in Attendance:**

23 Mayor Johnson
24 Councilmembers Higginson, Holt, Moss, Pitt and Tolman
25 Tom Hardy
26 Jerry Wilson
27 Lloyd Cheney
28 Several members of the public and media

29
30 The group convened at City Hall at 7:05 p.m. and traveled first to Tolman Park, where
31 two sites were reviewed: one directly north and east of the large ball field, adjacent to 1300 East,
32 and one directly west of the new basketball court. The first site was somewhat secluded, and
33 there was concern about skateboard park users going down toward Stone Creek. However, if
34 enough trees were removed and the site leveled, it could work. The second site was somewhat
35 removed from the general traffic in the park, and there was some concern about damage the
36 skateboarders might do to the basketball court. It was noted that both sites had access to the
37 restrooms and parking in Tolman Park, so these facilities would not have to be added, thus
38 reducing the overall cost.

39
40 The group then traveled to the soccer field directly south of Stoker School. Advantages
41 to this site were the proximity to parking, which is directly across the street, and the fact that it
42 was several hundred feet from any single family homes. It was also located in a commercial
43 area, so the noise should not be as much of a problem. The disadvantages of the site included

1 loss of open space in the downtown area, diminished use of the soccer field, and possible
2 negative impacts on commercial development of the downtown area.

3
4 The group determined not to travel to Washington Elementary, eliminating that site after
5 concerns were expressed by the principal, Liz Beck, regarding interactions with elementary
6 school students, and the before and after school programs sponsored at the school.

7
8 The group then traveled to review a commercial piece of property adjacent to the City
9 Shops at 200 West and 1050 South. The advantages of the site included high traffic, available
10 parking in the new Water Department building, and relatively easy construction because the site
11 is relatively flat. Disadvantages of the site include the cost of property acquisition.

12
13 No decisions were made, and the group then returned to City Hall at approximately 8:30
14 p.m. and convened in an Executive Session.

15
16 **Attendance at Executive Session**

17 Mayor Johnson
18 Councilmembers Higginson, Holt, Moss, Pitt, and Tolman
19 Mr. Mahan
20 Mr. Rowland
21 Mr. Jensen

22
23 The alternate skateboard park sites were discussed; no action was taken. The meeting
24 adjourned at 9:00 p.m.

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29 _____JOE L. JOHNSON, Mayor

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34 KIM J. COLEMAN, City Recorder

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(CC/Planning Commission Special Meeting minutes September 5, 2006)

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