

1 **NORTH OGDEN CITY COUNCIL MEETING MINUTES**

2
3 February 7, 2012

4
5 The North Ogden City Council and Planning Commission convened in a joint work session on February
6 7, 2012 at 6:30 pm in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time,
7 place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin
8 board at the municipal office and posted to the Utah State Website on February 3, 2012. Notice of the
9 annual meeting schedule was published in the Standard-Examiner on January 16, 2012.

10
11 **PRESENT:** Richard G. Harris Mayor
12 Kent Bailey Council Member
13 Justin Fawson Council Member (by telephone)
14 Cheryl Stoker Council Member
15 Dave Hulme Temporary Council Member
16 Ken Kiser Planning Commissioner
17 Allan Dalpiaz Planning Commissioner (left at 7:55pm)
18 Joan Brown Planning Commissioner
19 Blake Knight Planning Commissioner
20 Steve Quinney Planning Commissioner
21 Larry Residori Planning Commissioner
22

23
24 **STAFF PRESENT:** Edward O. Dickie III City Manager
25 Dave Carlson City Attorney/Economic Development Dir.
26 Craig Barker Community Development Director
27 Gary Kerr Building Official
28 Jennifer Thomas Community Development Cord./Deputy City Recorder
29

30
31 **EXCUSED:** Brent Taylor Council Member (deployed)
32 Wade Bigler Council Member
33 Eric Thomas Planning Commissioner
34

35 **VISITORS:** Brandon Jones
36 Ned Hacker
37

38
39 **WELCOME**

40
41 Mayor Harris welcomed those in attendance at 6:32pm. He stated that Council Member Bigler and
42 Commissioner Thomas are excused. Mayor Harris offered the invocation and led the audience in the
43 Pledge of Allegiance.
44

45 **Council Member Bailey moved to allow Council Member Fawson to participate by phone. Council**
46 **Member Stoker seconded the motion.**
47

48 Discussion on the motion:
49

50 Council Member Hulme said he thought they had taken that requirement out of the rules and procedures.
51 Mayor Harris said as of now the rule has not been changed.

52 **Voting on the motion:**
53 **Council Member Bailey** **yes**
54 **Council Member Hulme** **yes**
55 **Council Member Stoker** **yes**

56
57 **The motion passed unanimously.**
58

59
60 **1. WASATCH CHOICES 2040.**
61

62 Mayor Harris welcomed Ned Hacker and thanked him for taking the time to come down. He also
63 welcomed Brandon Jones from the City Engineers’ office. He suggested having a free and open
64 discussion. He wants everyone to feel free to participate in the discussion. Mayor Harris asked everyone
65 to introduce themselves.
66

67 Mayor Harris explained he is a member of Wasatch Front Regional Council and felt it was time the City
68 Council and Planning Commission become more familiar with what is happening on a regional basis and
69 that is the reason he invited Ned Hacker to speak.
70

71 Ned Hacker said there may be some big changes but they will need to start here. He said nothing is being
72 pushed down from the State, Regional, or Federal levels. He said this is more of a concept of planning
73 tools they are hoping to develop. The tools can be used to help plan for the big increase in population.
74

75 Ned Hacker said the Wasatch Choices for 2040 is a vision for the region that came from city planners,
76 city engineers, and local elected officials since the late 1990’s. They developed a plausible vision for the
77 region on how they might think about growing. They know growth is coming and expect about 1.4
78 million more people within the next 25 years. The region includes Weber, Davis, Salt Lake, and Utah
79 counties. The tools are meant to help city planners and elected officials determine how they want their
80 communities to grow.
81

82 An audience member asked what the estimated population of the counties is right now. Ned Hacker said
83 the Wasatch Front has 80% of the population and that is about 2.4 million. He said in about 40 years there
84 will be approximately 5 million people.
85

86 Ned Hacker said the growth will bring new facility requirements, new infrastructure, poor air quality, and
87 farm land used up by development. This vision will help protect some of the farm lands and current
88 infrastructure. When looking at the model, they determined if they didn’t change their growth pattern, by
89 2040 they would use up about 300 square miles of vacant land. He said this vision protects some of that
90 land. Ned Hacker explained that by 2040 the miles traveled will increase from 49 million miles per day to
91 90 million miles per day and that breaks down the quality of air.
92

93 Ned Hacker said looking at smart ways to develop, instead of keeping a street corner vacant they can put
94 in retail, residential, and commercial development to create a walkable area. People could also access
95 transit from that area. He said the real crux of the vision is protecting and improving the land that is
96 already developed and protecting the land that has not been developed yet.
97

98 Ned Hacker said one tool they are looking at is transportation. The Wasatch Front Regional Council is
99 responsible for a Regional Transportation Plan. He said they work with jurisdictions, UTA, and UDOT to
100 develop their needs. He said they developed a Regional Transportation Plan that was adopted May 2011;
101 it is a guideline for the vision.
102

103 Ned Hacker said the Bureau of Economic Research will do a Regional Housing Plan. He said it looks at
104 the impediments of particular housing across the state and counties to help jurisdictions determine
105 housing needs required for growth.

106
107 Ned Hacker said another tool is 'Envision Tomorrow Plus'; a modeling tool that already exists. They
108 have partnered with some consultants to improve that tool. What it will do is help jurisdictions design a
109 particular development. With this program can determine how many trips the development will produce,
110 how much energy the development will use, how much water will be used and what the cost will be to
111 live in the development. The design can be put into the program and it will tell you if the developer and
112 financial institution will have a return on their investment. They are working with financial institutions to
113 determine if there are some new methods to finance developments, mixed-use developments, transit-
114 oriented developments. This program will help the developer, financial institution, and the community
115 determines whether there will be a return on the investment.

116
117 Ned Hacker discussed form-based code and said they have a group working on it. He said it is ordinances
118 that jurisdictions can use as guides. He said the form-based code promotes mixed-uses that will match
119 what a community's needs are.

120
121 Ned Hacker said they have identified six sites that were picked to match up the different types of
122 communities on the Wasatch Choices for 2040 Vision Map. They are doing some scenario planning at
123 those stations with all the stakeholders. He said for example one site is in Sandy City. They work with all
124 the stakeholders to determine viable development scenarios that would happen in that area. They use the
125 tools he discussed to help determine which scenario works best for the community. As the tools become
126 more readily available they will be used by jurisdictions for their own planning.

127
128 Mayor Harris said there is a lot of information and he asked everyone to study it. He said North Ogden is
129 unique and will have to use unique solutions. Everyone is probably aware that they are only about
130 halfway built out. They have a population of 18,500 and will build out to about 36,000. That will all
131 happen within the next 30 to 40 years. They have some unique situations they need to take care of; some
132 planning scenarios will work for us and some may not.

133
134 Mayor Harris suggested looking at walkability and connectivity. North Ogden has a lot of cul-de-sacs and
135 they don't work in a connected community very well. Referring to the Planning Commission and City
136 Council, Mayor Harris said they need to study and decide if they want to steer development away from
137 cul-de-sacs. He said they may want to look at using form-based code that would allow mixed-use in
138 some areas. They may have some opportunity to use form-based code along Washington Blvd. Those are
139 some things to think about. They have two maps; one for transit projects and one for highway projects.
140 Right now the transit project proposes they have a bus rapid transit line from 2600 North on Washington
141 Blvd. to the Ogden site. That will be their part of the rapid transit site. Most of the community will take
142 Washington Blvd., Harrison Blvd., and Monroe Blvd., south. The highway map shows Skyline Drive that
143 goes around the City and hooks onto the freeway. Washington Blvd. and Monroe Blvd. are critical for
144 North Ogden.

145
146

147 **2. GENERAL PLAN – WHEN AND HOW TO UPDATE.**

148
149 Mayor Harris said he wants a quick discussion or overview on the General Plan and asked Craig Barker to
150 speak.

151
152 Craig Barker, Community Development Director, said the General Plan for North Ogden City has been in
153 existence for a long time. He said he had begun working in the Planning Department for Weber County in

154 1975. He was assigned to North Ogden City when they were updating their General Plan in 1977 and it
155 was updated it on a Planning Commission level.

156
157 Craig Barker said the General Plan can be found online. He stated the Plan has been amended a number of
158 times. He explained a small amount of work was done in 2002 when they made some changes to the
159 higher density and commercial areas.

160
161 Craig Barker explained that General Plans do not give a lot of specific recommendation but do give
162 guidance. He said it can go outside the city boundaries for some uses. It is long-term and should be
163 updated every 10 years. He said they are at that point now. They plan on addressing the funding for an
164 update of the plan during the budget process.

165
166 Craig Barker explained North Ogden sits very north and very east. They are up in a corner and it can be
167 very restrictive in terms of transportation services that are necessary. They can be considered a boulevard
168 area. He said North Ogden completed a transportation plan in 2008 and goes into the future to 2040. He
169 said in the back of the plan there are year-by-year steps they should be taking to meet their goals. He said
170 they use it to try and determine what transportation improvements are desirable and whether they are on
171 track for 2040 or will have to make adjustments.

172
173 Craig Barker explained that Utah law requires every city have a General Plan. The Planning Commission
174 is charged with creating the General Plan and the City Council is charged with approving it. The Planning
175 Commission can receive input from the City Council if they wish. Craig Barker said they are requesting
176 \$50,000 to update the Plan, but it will not be a complete update. He said he isn't sure they need a
177 complete update. The 2040 plan should be coordinated with North Ogden's developments.

178
179 Craig Barker explained how the General Plan is implemented. He stated that part of the Plan requires
180 land-use elements. He said they have created a map of detailed land uses that they would like to see
181 developed in the City. Right now the dominant land-use is residential and vacant properties. There are
182 individual areas that may need to be evaluated to meet the 2040 Vision and incorporate mixed uses.
183 Along with land-use elements the City has chosen to adopt a Transportation Plan. Other elements they
184 have adopted are the Trails Plan and the Economic Development Plan.

185
186 Craig Barker said they have two basic tools for implementing the General Plan. One is the Zoning
187 Ordinance, which is online. He said the type of zoning requirements they implement have been in
188 existence since 1916. He went over the history of zoning ordinances and how it was ruled by the Supreme
189 Court that cities have the right to create zoning regulations.

190
191 Craig Barker said when they receive a request from a landowner he first looks to see what the General
192 Plan says about the land. The land use element is very important in terms of how they envision the City's
193 growth.

194
195 Craig Barker said right now there is about 90% of the use is single family detached homes in residential
196 developments. Most of us who live here are comfortable with that kind of use. They may want to look at
197 other alternatives to limit the use of land and preserve it for the future.

198
199 Craig Barker explained the other tool they use is the subdivision ordinance. He said this document tells
200 the City how they should expect land to be developed. He said housing is developed through a guiding
201 form because the State mandates cities to have a subdivision ordinance. He said the subdivision ordinance
202 is very detailed and explains how land should be subdivided in the city. He said it specifies how big the
203 lots have to be depending on the zone they are in. It specifies the width, length, and the types of building

204 that can be on the land. The subdivision ordinance gives direction on where streets should be and how
205 often they should intersect.

206
207 Craig Barker said one exception to the subdivision ordinance is the planned residential unit development
208 (PRUD). This type of development allows the developer to do certain things. He said North Ogden has
209 mostly standard subdivisions and 18 PRUDs. Some are single family but most are multi-family. He said
210 the ordinance mandates that the developer do certain things like provide open space within the project.
211 The open space is privately owned by the home owners. He said the ordinance allows developers to
212 reduce the size of the lots for common space. He said in the planning process they are required to do
213 certain things with the open space, such as providing a developed activity space. The Planning
214 Commission has the option to approve or disapprove the plan. Another option is to include private streets.
215 They allow developers to build private streets and to fence them off if they choose. He said Scottsdale
216 PRUD is the only one he knows of that has fenced off streets. He discussed the narrow private streets
217 located in Legacy PRUD and said private streets must now be built to City standards. One benefit of
218 private streets is that the City does not have to maintain them.

219
220 Craig Barker said the open space or park space is another benefit of PRUDs. He pointed out that the City
221 does not have to maintain these parks. He said most developers choose PRUDs to attract buyers. One of
222 the first PRUDs they had was Lakeview Heights. The first phase was developed in 1977. The
223 development has a mix of twin homes and single family homes. They allow developers to put in different
224 types of home in PRUDs.

225
226 Craig Barker said another PRUD is Cold Springs Village. He said that development has a mix of
227 multifamily and single family homes and includes open space and private streets.

228
229 Craig Barker said The Cove includes single family lots and many are on private driveways. He said the
230 homeowners association (HOA) must maintain the private drives. He said there are also two main trails
231 and two private parks, although they are discussing eliminating one of the trails.

232
233 Craig Barker said they have had some problems with PRUDs. Some problems evolve around
234 nonfunctional HOA's. They end up asking the City to take over some of the property because they cannot
235 maintain it. They have ineffectual planning of the common ground. The common ground may be so
236 narrow they cannot be used. He discussed how the City decided not to allow smaller private streets and
237 require all streets to be the same size as all public streets; however, the City Council and Planning
238 Commission did allow Cold Springs Village to have the smaller private streets.

239
240 Craig Barker showed a map of all the PRUDs. Edward O. Dickie III, City Manager, asked if there was an
241 exception for Cold Springs and why they were allowed to have smaller private streets. Craig Barker said
242 he didn't remember. Council Member Hulme explained that the developer made a proposal and
243 threatened to put in barrack-style homes if his proposal was not approved. He said in his opinion it felt as
244 though the Planning Commission and the City Council did not have much of an alternative.
245 Commissioner Brown said the island wasn't in the original plan and the garage width was changed.

246
247 Craig Barker went over the different PRUDs. He said the majority of the PRUDs are in the higher density
248 zones. They develop at about 12 to 14 units per acre. He showed where Quail Ponds, Lewis Peak, and
249 Cold Springs Village are located on the map.

250
251 Craig Barker explained Roylance Farms PRUD has attempted to re-plat to eliminate most of the common
252 space and so has Quail Ponds PRUD. He said they have received numerous requests from Legacy PRUD
253 to take over their private streets.

254

255 **3. SUBDIVISION ORDINANCES – GENERAL DISCUSSION WITH EMPHASIS ON PLANNED**
256 **RESIDENTIAL UNIT DEVELOPMENTS (PRUD).**
257

258 Mayor Harris asked for a discussion regarding the pros and cons of PRUDs. He said they need to discuss
259 whether they want to continue allowing PRUDs. He stated there have been some real problems associated
260 with PRUDs. In the past he has asked the Planning Commission if they want an ordinance that allows
261 PRUDs. He said both times the Planning Commission has come back and said they would like to keep
262 them.

263
264 Craig Barker said Brandon Jones, from Jones and Associates, is here to answer any engineering questions
265 regarding PRUDs.

266
267 Mayor Harris said they need to have a discussion to decide if they want to keep PRUDs, if they want to
268 make changes, or stop them all together. He said they have had problems in the past and he wants to talk
269 about that and see where to go.

270
271 Commissioner Knight said there are pros and cons and there are a lot of cons right now, but one benefit is
272 the open space that the City does not have to maintain.

273
274 Commissioner Brown said Phase One of Legacy PRUD has to plow the snow in the center of the cul-de-
275 sac and on a hard winter it is not unusual to see twenty feet of snow in the middle of the road. She said it
276 is a real problem if there is an emergency and they need to get a fire truck in there. She said the Planning
277 Commission and the City Council need to be more careful if they should choose to continue with PRUDs.
278 She said they need to look at them and quit being pushed by developers who blow us away with grandiose
279 presumptions that never come to fruition.

280
281 Council Member Stoker said they are stuck holding the bag because the development goes belly up.
282 Commissioner Brown added that the people that are living there are too. A perfect example is Lewis
283 Peak; it has taken a total transformation. It started out being one story homes and now has two-story
284 homes that look like they belong in Daybreak. She discussed The Cove and their initial development plan.
285 She said personally she thinks they ought to put a moratorium on them and discuss what they have to do
286 to make them a successful experience.

287
288 Council Member Hulme said some PRUDs can be classified as success stories and other ones not so
289 much. He said the problem he has with the ordinance is they end up with a developer that comes in and
290 the City is forced to comply. He mentioned the corner piece in Lewis Peak that is unusable and
291 considered part of their open space. They had a discussion at that time whether unbuildable land could be
292 counted as open space. He said it felt like a loophole to him. He said most developers try to put as many
293 homes in a development as they can. He agrees with the moratorium. He said the ordinance wasn't always
294 as bad as it is now. He said it changed five or six years ago. The calculation was changed to allow more
295 homes. Developers were allowed to use the lot size in the base zone as their calculation instead of 25%
296 more of the base zone. For an R18 they can now use 8,000 square feet instead of 10,000 square feet. He
297 said they ended up with Lewis Peak where the homes are right next to each other. There is unusable green
298 space in the corner that is used to factor in the calculations. Craig Barker said the corner area is a storm
299 water detention basin and maybe it should have not been calculated in.

300
301 Council Member Hulme said if they decide to allow PRUDs the ordinance should be changed back to the
302 higher standards and allow fewer homes. They need to talk about what exactly qualifies as open space.
303 He said he has a real problem with some of the things that have happened and if they are going to keep
304 PRUDs they need to tighten them up. He said he would rather get rid of them.

306 Edward O. Dickie III said he loves the idea of a moratorium. He said staff has spent a lot of time trying to
307 make PRUDs right or trying to make them work.

308
309 Commissioner Knight agrees with a moratorium. He said it sounds like there are a few PRUDs petitioning
310 to the City to turn their private roads into public roads. He said he feels strongly that the streets must
311 comply with the City standards. Craig Barker said the ordinance requires all streets be built to City
312 standards. Commissioner Knight discussed the difficulties a fire truck would have trying to get down the
313 private road in Legacy when the snow is piled up in the middle of the road.

314
315 Council Member Bailey said this is new to him. Commissioner Brown said they have PRUDs initiated in
316 1998 that are not even half built out and in deplorable conditions. She feels they need to develop exactly
317 what they say they are going to make and be strong about it. There has to be an ability on the part of the
318 City to make sure the developer is producing what they need to make, and make sure the developer
319 produces what they promise. She said if at any time the developer doesn't there needs to be a stipulation
320 that will put everything on hold while it is addressed.

321
322 Council Member Bailey said when Mayor Harris has approached the Planning Commission in the past the
323 answer kept coming back that they felt there is a place for PRUDs, he said that is not what he is hearing
324 tonight. Council Member Bailey asked what the place is for PRUDs. Commissioner Hulme asked when
325 the last time they discussed PRUDs was. Mayor Harris said it probably has been awhile.

326
327 Mayor Harris said he has some of the same concerns Commissioner Brown has expressed; they don't get
328 what was promised. Commissioner Quinney said let's talk about that. He said take The Cove for example;
329 they had three different developers. He said they need to step back and think about what they want the
330 community to be. He said if they want to remain a "bedroom community" they need to address it that
331 way. He said they do not have an industrial area to create jobs, they have some retail. They will not be a
332 job producing place. North Ogden is a place where people live. They cannot dismiss PRUDs because they
333 are part of development. They are all over, every community has them and they have a place. He said they
334 do not have the front-end control like they should have had with The Cove. He said the developers should
335 have had an escrow, not a letter of credit. He said they can control what happens with a PRUD by
336 controlling what happens in the beginning of the development. If they have the right escrow in place the
337 developer will finish their PRUD.

338
339 Commissioner Brown said there was no escrow for quite a few of the PRUDs because it was not required.
340 Craig Barker said there were escrows but it didn't include the common area. Gary Kerr said after
341 Roylance Farms Phase Two the City made it a requirement to have an escrow for common improvements.

342
343 Commissioner Knight said in the early 1990s there was discussion about North Ogden City not having
344 enough multi-family housing. Dave Carlson, City Attorney, said there is a legal requirement that they
345 address a need for low-moderate and North Ogden is compliance. Craig Barker said they were talking
346 about exclusionary zoning practices. That is where a city is zoned exclusively for single-family homes.
347 Pleasant View had that problem because they really only had the mobile home park, one PRUD with
348 duplexes, and the rest was single family. It also happened with West Haven. They had to add low to
349 moderate income housing. He said North Ogden has a deficit of 461 dwelling units right now.
350 Commissioner Dalpias said he heard they had more than enough.

351
352 Commissioner Kiser said they are talking about a moratorium on new PRUDs, so they would still have a
353 problem associated with the existing ones. He asked if they have any way to put an end to the existing
354 PRUDs. Craig Barker replied no. Dave Carlson said you can only have a moratorium for six months. He
355 said if they start a moratorium they need to do something. They only have six months to make a change.

356 Commissioner Kiser said they need to establish tighter and stricter rules. Mayor Harris asked about taking
357 PRUD out of the ordinances. He said that wouldn't be subject to a moratorium.

358

359 Commissioner Quinney said all communities have PRUDs. He said the problem starts when you do not
360 hold the developers feet to the fire in the beginning. He said Lakeview Heights is pretty successful and
361 they didn't do everything they said they were going to do. He said they had a lot of big promises and they
362 never kept them. He said they didn't keep their promises because there was nothing to lose. Craig Barker
363 asked the promises he was referring to because some of those promises may have been beyond the City's
364 control. Commissioner Quinney said if the City is approving the PRUD then they are not beyond its
365 control. He said the city has been too lax. The Planning Commission has not done their job. Craig Barker
366 asked what he was promised in Lakeview Heights. Commissioner Quinney replied they were promised a
367 golf course. Craig Barker said he didn't recall plans for a golf course. He said many times people are
368 promised something that does not exist. Edward O. Dickie III said that happens a lot and people come to
369 the City asking why they didn't make something happen and the City had no idea because it wasn't part
370 of their plan. Craig Barker said some of those things are beyond the control of the City because the
371 developer themselves are allowing their salespeople to make false promises. Dave Carlson said their
372 control is more of an enforcement issue not that they do not have the right regulations on the book. He
373 said now the ordinance requires if they are going to offer certain amenities and that Plan is part of the
374 Planning Commission they have to escrow for those and they have to build them. He said that is a matter
375 of the City enforcing it.

376

377 Craig Barker said in The Cove they had a time frame of when the swimming pool and club house had to
378 be built. He said the club house was one of the first structures put in. Dave Carlson said it is difficult to
379 use The Cove as an example because of all the issues. He said there were problems on the City's part in
380 terms of not requiring the escrows they needed. He said the developer made promises more than he could
381 ever deliver because the first developer never had any intention of building that. He said the original
382 developer turned around and flipped the subdivision the minute the ink was dry on the approval. He said
383 it was not a realistic plan for development. The market was not there to support the grandiose vision they
384 had. Commissioner Quinney said the point is it was approved.

385

386 Council Member Bailey asked if it is the City's responsibility to validate the business plan. Commissioner
387 Brown said it is the City's responsibility to see that what is proposed is followed through. She said Quail
388 Ponds came in later to change the size of the lots toward the east. She said in doing that they eliminated a
389 common area that would have gone through the subdivision. She said the owners never knew that was
390 taking place, it just happened during a Planning Commission meeting. She said as a Planning
391 Commission when something comes before them they need to be better educated, ask more questions, and
392 even drive out and look at. She said if any of the previous Planning Commission members had driven out
393 there they would not have allowed it. She said there is fault on their part for not being more aware.

394

395 Commissioner Knight said this past year they had three visits from the new developer on The Cove. He
396 said that is not very comfortable to go through. Commissioner Hulme said developers lie. He said they
397 make all these promises. He said he has only been on the Planning Commission for two years, but he
398 went to all the Lewis Peak and Cold Springs Village meetings. The developers make promises on stuff
399 they would not ever require. Commissioner Brown said that is why they need to reexamine what they do
400 require.

401

402 Commissioner Hulme said one of the problems is the only thing that makes them maintain the
403 development is the HOA.

404

405 Commissioner Brown said they had a homeowner from Legacy come in and say the developer had
406 promised a fence and never put it in. She said they had to force the developer to put the fence up.

407 Dave Carlson said in a standard subdivision a city cannot make the developer follow through. The reason
408 the City gets involved in a PRUD is because the City is trading certain things with the developer. The
409 City is giving up concessions on lot sizes or street sizes. The developer has to give something back to the
410 City and that can be the picnic area or the swimming pool. He said that is what gives them their ability to
411 enforce some of those things. He said the City requires security in a standard subdivision on the things
412 that the City will own when the subdivision is complete. They get into enforcing the amenities only
413 because of that tradeoff with the PRUDs. He said PRUDs are the most justified when they have an oddly
414 configured piece of land. He said if you are going to do a standard subdivision on that piece of land the
415 developer will not get as good of yield on the density of lots. You will end up with odd shaped areas that
416 cannot be developed. Craig Barker agreed with Dave Carlson.

417
418 Commissioner Brown said there are many times open spaces are not really open spaces. She said there is
419 a flag lot in Quail Ponds that is useless. She said they should restrict developers from changing lot size
420 and complexion of the project midway through it. She said they need to be firmer on their parameters and
421 stick with them.

422
423 Mayor Harris said there is another aspect they need to consider, HOAs all over the country are failing.
424 Mayor Harris asked what a city does when the HOA fails. Commissioner Hulme said especially if there is
425 a narrow street. Mayor Harris said he can see those kinds of things happening in the future and that make
426 him wonder if they even want to deal with them. Edward O. Dickie III said in California they are getting
427 rid of them. Commissioner Brown added Pennsylvania is as well. Dave Carlson said the things HOA
428 struggle with are the streets and the pools. He said they can require the infrastructure be dedicated to the
429 city and built to city standards. He said the smaller the HOA the more likely they will struggle to budget
430 the maintenance costs.

431
432 Craig Barker said one of the problems they have is that most of their PRUDs are too small and that
433 financial base goes away quickly if four or five people do not pay. He said the larger ones seem to do a
434 little better. Commissioner Kiser asked if the infrastructure is always maintained by the City. Dave
435 Carlson replied sometime they are and sometimes they are not.

436
437 Commissioner Hulme said the Cold Springs developer swore there would not be any rentals, but now half
438 of them are rentals. He said that was just one more of those promises the developer made and they cannot
439 enforce.

440
441 Commissioner Brown said during a moratorium if they make refinements after six months do those
442 refinements apply. Dave Carlson replied yes. Commissioner Brown said she thinks that is the way to go.
443 Council Member Bailey said as opposed to doing away with it. Commissioner Brown said her first choice
444 would be not to have any PRUDs.

445
446 Dave Carlson said there are other options. He said if they are going to have a moratorium it's because
447 they are trying to head off something that is coming. He said right now they do not have developers
448 knocking down their doors. He said once they have announced they will revise their PRUD ordinance and
449 it has been on the Planning Commission agenda that is almost as good as a moratorium. He said in Utah
450 there is a vested rights document. Vested rights mean if someone comes in with a land-use application
451 and it is complete they are entitled to have that application determined by the law that is in effect
452 currently even if the law changes before he builds his project. He said if they have had a public meeting
453 and made it clear they will revise the regulation that is an exception to the vested rights document. He
454 said then they do not have a six month time limit. He said the moratorium makes it clearer.

455

456 Commissioner Brown said if they chose to not allow PRUDs then that is a finalization. Craig Barker said
457 they would just recommend to City Council that they remove chapter 11-11 of the zoning ordinance. The
458 City Council will just hold a public hearing.

459
460 Council Member Bailey asked if they had these types of issues with regular subdivisions. Craig Barker
461 said once in a while they get issues with a developer not completing all improvements. He said they
462 require an escrow on those improvements. Council Member Bailey said those are not the promises made
463 to the homeowner. Dave Carlson said the final development plan for a PRUD is approved by the City and
464 the regulation that the City does for a PRUD is much more intensive because they really get into the
465 details of what is going to go in there. He said the developer is bound to follow through and the City is
466 bound to enforce it. Council Member Bailey said they don't have a good way to enforce something. Dave
467 Carlson said they require an escrow.

468
469 Commissioner Brown said the amenities are not as much a concern as the transformation of the original
470 project so the complexion of it is altered and affects the homeowners within it. Commissioner Hulme said
471 the developer brings a proposal and promises and once the City approves it the developer realizes the
472 costs. The developer will try to save money and not do everything they promised or they will come back
473 to the City asking for an amendment. What is their alternative? If the Planning Commission and City
474 Council doesn't allow then they may stop building and at this point in the economy they would rather see
475 houses. Commissioner Brown said she heard that four or five years ago, it's like the builder is the bully.

476
477 Edward O. Dickie III said people buy these lots thinking that is what they will get. They put their hard
478 earned money into it and that is what they expect.

479
480 Commissioner Quinney said Lakeview Heights is one of the most successful PRUDs in North Ogden.
481 Commissioner Knight said that is probably because of its' size. Commissioner Quinney said they have
482 some residents that are willing to put in time and effort.

483
484 Commissioner Brown said Quail Ponds was established in 1998. She said in 2012 the developer is still in
485 control because there are not enough homes built. Commissioner Stoker said the regulations and rules are
486 in place, but it doesn't mean it will happen. She said she agrees that PRUDs are a headache.

487 Commissioner Kiser said they can work; Washington County has thousands of them. Commissioner
488 Brown said they have a population of people who wants those types of homes. Commissioner Kiser said
489 that means they can work. Commissioner Brown said they haven't proven to be successful here.

490
491 Commissioner Hulme said the ordinance states that the purpose of PRUDs is to be a benefit to the city.
492 He asked have they really been over the past 10 years. Edward O. Dickie III said over the past two years
493 it has taken 40% of staff's time. Commissioner Stoker said it feels like the developer holds you hostage.
494 Commissioner Kiser said he lives in Lakeview Heights and wouldn't mind it going away, but someone
495 will still need to take care of the common space.

496
497 Commissioner Quinney said if you look at it, the basic question is will developers still do regular
498 subdivisions if there are no PRUDs. Commissioner Brown replied no, they will just know that in North
499 Ogden they have to do standard subdivisions. Commissioner Kiser said they will give up common space
500 in a standard subdivision. Dave Carlson said there may be some land that does not get developed.

501
502 Craig Barker said cluster subdivisions may be another option. He explained cluster subdivisions allow the
503 Planning Commission and City Council to approve smaller lots that include common space. He said
504 Ogden Valley approved a number of cluster subdivisions.

505

506 Council Member Bailey asked how much of what they are talking about refers to the function of the
507 economy. Commissioner Brown said none of it. She said the origination date on most of them is 1998 and
508 the economy was good then.

509
510 Commissioner Residori said they should put it on the Planning Commission agenda and discuss it. He
511 said it seems to him the PRUD chapter cancels out the Subdivision Ordinance. Craig Barker said
512 essentially he is right. He discussed the net developable area. He said the developer has to calculate that
513 and show the City how they are going to organize the development. Commissioner Residori asked why
514 everyone doesn't develop a PRUD if that is an option. Council Member Hulme replied that it is a huge
515 hassle.

516
517 Commissioner Brown said the private road in Legacy North is a problem and if they were to consider
518 allowing that private street to become public are they opening a Pandora's Box or can they prove it is a
519 hazard.

520
521 Council Member Hulme said he thinks they will be liable for the snow. Dave Carlson said it would
522 become an expense to the City. He asked if the streets were built to City standards. Commissioner Brown
523 replied they were not. She said they made a mistake in approving it. Council Member Hulme said people
524 are always trying going back and reverse a deal that was made. Craig Barker said snow removal is the
525 responsibility of the people who live there.

526
527 Commissioner Brown said she thinks they should eliminate PRUDs. Commissioner Hulme asked if there
528 is a public safety concern with a private street and what the city would do. He asked if the fire department
529 is required to make the HOA fix it. Craig Barker said they do that with fire hydrants. Commissioner
530 Brown said the fire department may not be aware of it. Commissioner Hulme suggested reporting that to
531 the fire department. Edward O. Dickie III said they will report it to the Fire Chief. He added that is along
532 the same lines as what Mayor Harris is talking about with connectivity.

533
534 Council Member Hulme said he firmly believes in property rights. He said there are State and Federal
535 requirements. He said they need to factor in, realistically, what is going to happen. If someone is allowed
536 to build whatever they want and they decide they are going to build a slum, now they create a low-income
537 area that could attack poor elements and cost the City a lot of money in police response. When you are
538 part of a City there needs to be an understanding of the rule on how you can use your land because we
539 have a certain requirement to be good neighbors. He said a lot of these PRUDs seem like they are flying
540 in the face of that. He said the cost of the amount of staff time seems like an unreasonable expenditure of
541 tax payer funds because they allow a PRUD. He said when they are looking into the future that may be
542 one way to scale back staff time by limiting these or eliminating them.

543
544 Commissioner Knight discussed the issues with the smaller PRUDs. Council Member Bailey said it
545 depends on the economic level of the people involved. He mentioned that some of the successful PRUDs
546 have people who are retired and put in more time and effort to take care of it. Commissioner Hulme said
547 Lewis Peak was originally advertised as a 55 and older community.

548
549 Mayor Harris asked for any final comments. Brandon Jones said they are very observant of some of the
550 challenges that exist; from an engineering standpoint the way the current ordinance reads the biggest
551 concerns are street widths, making sure there is plenty of room for the public utilities and making sure
552 they are protected. He said he agrees with eliminating cul-de-sacs. He mentioned that the street issues
553 with Legacy would be eliminated if it was connected.

554
555 Mayor Harris said they cannot make any decisions tonight. He said it will come back up in their official
556 capacities and at that time they can take some action in one way or another.

557 **4. COUNCIL AND COMMISSION COMMENTS.**

558

559 Ned Hacker commented that it was a great discussion. He added that he thinks they are feeling the pains
560 of a growing city and it is great they are addressing the issues.

561

562

563 **5. ADJOURNMENT.**

564

565

566 **Mayor Harris adjourned the meeting at 8:32pm.**

567

568

569

570 _____
Richard G. Harris, Mayor

571

572

573

574 _____
Jennifer Thomas

575 Deputy City Recorder

576

577

578

579 _____
Date approved

NOT APPROVED