

Minutes for the Western Weber Planning Commission meeting of April 14, 2020, held via Zoom video conferencing at 5:00 pm.

Members present: Bren Edwards - Chair
Greg Bell – Vice Chair
Wayne Andreotti
Andrew Favero
Janette Borklund
Gene Atkinson
John Parke

Staff Present: Rick Grover, Planning Director; Steve Burton, Principle Planner; Scott Perkes, Planner II; Tammy Aydelotte, Planner II, Matt Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. Minutes for February 11, 2020, and March 10, 2020 meeting. Commissioner Atkinson was missing from the attendance on the February 11, 2020 minutes. On page one of section 3.1 it says that it is located at 1800 S and 300 W, it was meant to say 4300 W. on page 2 the paragraph that start Commissioner Bell states there is a reference to Ms. Preswich it say Mr. on page 3 it says Chair Edwards closed the public hearing it should say closed the public comments. On page 6 on the bottom paragraph there is a spelling error instead of Chair Edwards it says hair Edwards. On the March 10, 2020 minutes Commissioner Favero is missing from the attendance.

MOTION: Commissioner Parke moves to approve the minutes with noted corrections. Commissioner Andreotti seconds. Motion carries. (6-1)

Commissioner Bell was not available due to some technical difficulties.

2. Approval of 2020 Planning Commission Rules of Order: The rules of order were not included in the packet.

MOTION: Commissioner Borklund moves to table the Rules of Order. Commissioner Atkinson seconds. Motion carries (6-1)
Commissioner Bell was not available due to some technical difficulties.

3.1 LVH 040419: Consideration and action on a request for a recommendation for final approval of Halcyon Estates PRUD subdivision consisting of 39 lots located at approximately 4100 W 1800 S, Ogden.

Mr. Burton states that this is a request for final approval for Halcyon Estates PRUD subdivision. This was before the Planning Commission at the last month’s meeting. They have submitted their final plans which are being reviewed. They have their secondary water shares and meet the final subdivision requirements. Staff is recommending approval based on the findings and conditions listed in the staff report. There is only one condition, that a deferral agreement for curb water and sidewalk will be required for 1700 S and 4075 W prior to recording the final mylar.

Chair Edwards asks if there are any question. There are none.

Keith Ward states that he is happy to take questions. There are none.

MOTION: Commissioner Parke moves to LVH 040419: Consideration and action on a request for a recommendation for final approval of Halcyon Estates PRUD subdivision consisting of 39 lots located at approximately 4100 W 1800 S, Ogden. This recommendation is based on the review agency requirements and following conditions: 1. A deferral agreement for curb, gutter, and sidewalk will be required for 1700 S and 4075 West streets prior to recording the final Mylar. The recommendation is based on

the following findings: 1. The proposed subdivision conforms to the West Central Weber General Plan. 2. The proposed subdivision complies with applicable county ordinances. Commissioner Bell seconds. Motions carries (7-0)

3.2 LVK122019: Consideration and action on preliminary approval of Kastle Acres, a lot-averaged subdivision consisting of 11 lots

Chair Edwards states that he would like to notes that he currently leases this piece of property from the owner he is not sure if it is a conflict. He states that he does not have financial gain from the development.

Scott Perkes states that the average lot size of each of the lots 42,610 sq. ft. and the average frontage is 192 ft. this is well above the zoning minimums. The overall project is 13 acres. They provide access from a 66 ft. public right of way that meets County standards from East to West of the property. Culinary Water is being served by Taylor West Weber. Hooper Irrigation is providing secondary water. Sewer will be provided by Central Weber Sewer. They have indicated sidewalks on both sides of the street this is requirement because they are so close to the Weber County School District property. There are some road right of way dedications that are associated with this plat. They are providing 5 ft. along the frontage of 4700 W. and they are also dedicating as much land on their eastern boundary as they are able. That dedication will be about 19 ft. Public notices were sent out on this project. Staff recommends approval based on the conditions and the findings in the staff report.

Commissioner Favero asks if they are going back to the code and enforcing that the setbacks be made on the quarter sections lines for a potential road even though one is not being put in there yet. Mr. Perkes states that the hope is to be able to have the regional connectivity in the future. Commissioner Favero states that seeing some of the concerns from some of the residents he has some issues with this. He states that the quarter section line marks the property. It should be half on one side of the line and half on the other. He asks how this can be corrected. The stub that is in place already is not on the center. Mr. Perkes states that when they saw it they noticed that it didn't line up either. He is not sure if this is because of the way that it was split up in the past. He notes that the surveying department has verified that it doesn't line up. Commissioner Favero states that since the road is not going in with the subdivision there is also an irrigation weir that divides water to go west and north, this is also a concern for the people that take irrigation water through the weir. He asks how this will be addressed. Mr. Perkes states that at the moment the 19 feet is being dedicated as right of way. He notes that nothing is being proposed on that particular area of right of way. There will piping of the ditch that runs along the eastern boundary from North to South. Concerning the corner the South East corner the applicant has been working with the irrigation company, but he is not sure of the particulars.

Layne Kap states that he is not going to be able to answer that question. Chris Cave from Reeves that has been handling that. He believes that this is why it is being piped to the North. There is a right of way going West for the existing ditch down the back of the properties. He does not believe that the weir will be touched at this point. That will be touched when the property owners of to the East proceeds to develop their property.

Commissioner Parke asks if the applicant has had an opportunity to see the comments received. Chair Edwards states that they will open it up to public comment and the gentleman who submitted the comment is present and will have the opportunity to speak.

Chair Edwards opens the public comment.

Collin Famuliner 4573 W 2200 S, states that concerning the pipe that goes through the middle of the plat, it looks like it is an 11 lot system. The current easement of the lot going across to his property on a jagged approach. This is something that concerns him because of how the water that will get there and the restriction as it makes all the turns. The water will need to go up hill. They are making it go back to the east after it has flowed to the west. He notes that they can make water do this, but it will have to be pressurized. He add that the water has a way of finding problems and it will put stress on a system like that. It is very cumbersome and cuts down the amount of water. The stress will cause the water to start bubbling up in people's yards. It would make more sense to use the existing easement. It is a straight shot through there. Let the water fall going downhill and provide the water system as it currently exists. He asks what type of a fence is planned around the outside to protect valuable live stock. There are a lot of subdivisions with solid fences around them. He wants to make sure that the surrounding properties are protected.

John Jusko 2219 S 4300 W, states that he owns the farm directly east to this subdivision. Concerning the ditch to the East of the subdivision. The ditch is fully on the subdivision property. His farm has nothing on that ditch. There was a comment made by the applicant that if the Jusko Family decide to develop they would pipe the ditch. He states that it is not on their ditch. It is a privately owned ditch. He notes that the owners of the ditch have not been contacted. The people on the north side should be contacted. They need to be invited for this meeting. under the current proposal the water weir located on the South East corner of the proposed subdivision would be adversely impacted by the proposed subdivision. If the county ever developed the proposed road (4500 W) over the Jusko property, the subdivision the water weir would have to be moved upstream from the subdivision property further impacting the Jusko property. This adversely impacts the property value of the Jusko family and creates an immediate taking. It effectively takes property from the Jusko family with no payment for the loss caused by the design of the subdivision. Only moving the road easement to the west eliminates this issue.

The proposed placement of the road (4500 W) adversely impacts the Jusko property by planning more than half of the road on the Jusko property. The Jusko family firmly believes that the proposed subdivision has not dedicated enough property to the proposed road. Again this adversely impacts the Jusko property value with no payment for their loss in property value.

Moreover, planned subdivision does not include any provision to protect the tile ditch that runs along the East side of the proposed subdivision property. This is an extreme safety hazard that the subdivision design is creating.

The proposed subdivision is designed in such a manner that it promotes trespassers onto the Jusko property. The subdivisions has not approached the Jusko Family with any mitigation efforts for the loss of future crops, or increased risks due to increased trespassers. A walkway without adequate fencing by the subdivision to keep people out is unacceptable.

The Jusko family business plan includes a unique crop for this area that is very long term crop (the crop is known to produce for over 100 year). The Jusko family business plan will phase in the production of this crop over time and will need every square foot to make the business plan profitable. There is no foreseeable time in the future when the Jusko family will convert the property out of the agricultural production. Hence the Jusko family formal objects for the reason's stated above to the planned road design and subdivision as currently submitted. The family would be willing to withdraw its object if the road were moved 19 feet further west, fencing were installed to prevent trespassers and the other issues stated above adequately address.

Tom Favero 1295 N 4700 W states, that he operates his family's property on 2550. He notes that their water access is through the box at the top of the Jusko family, it comes West all the way through. The right of way recorded on each of those deeds, not just a utility easement. He notes that they just replaced cement ditch from pipe ditch in the fall and spring. The Green family offered to pay nothing. They did not want to pay for the head gate or the pipe. Somebody needs to step up and pay for the improvements that the rest of the residences made on the ditch, because they are moving forward with the project. He feels that the Gibson family did not pay their share. The Favero farms paid their share of it. They are the majority share holders on the ditch. There were a few other shareholders who paid theirs. The Greens have not paid a dime. They should come forward and make their payment before anything happens with the project. He notes that they are pending to install a head gate. He is against the whole project until the problem with the ditch is resolved. This affect a lot of people out side of the 500 ft. range that were sent letters. There is a lot of people on the east side that need to know what is going on. Collin Famuliner states that Mr. Favero is correct there was a lot of people that paid to improve the ditch. He agrees completely with Mr. Favero. Mr. Favero states that the applicant needs to address how the head gate will be put in. The head gates that go inside the structure are expensive they service the property only. They need to step up and take their obligation and take care of the people.

Chair Edwards closes the public comment.

Chair Edwards states that there has been some issue with noticing and the irrigation ditches. He asks what legals take on this is. Mr. Wilson states that the way the code reads on section 106-1-6 titled agency review and public notice under sub section B it states that the notice of the proposed subdivision shall be mailed as a curtesy no less than 7 calendar days before the Planning Commissions public meeting and the proposed subdivision to the record owner of each parcel within 500 ft of the property. The problem with the ditch is that generally those are easements and they don't necessarily own the property it would be mailed to the record owner of each parcel within 500 ft. of the property that is the subject of the application. He notes that this is not the only notice, it is also posted pursuant with state code. It is posted on the State website and it is also posted on the County's site. He states that they have meet their obligations under notice. The County is allowed to have their own previsions on notice. Mr. Ewert states that the canal entity or ditch entity wants to be considered an effective entity under state law they would need to register with the County on an annual basis providing the contact information and the geographic location of where the facilities are so that

the County knows when to notify them. There are so many affected entities out there that go to the County on an annual basis, otherwise the County might not know they exist. Mr. Wilson states that this is why they are required to post on the state website.

Chair Edwards notes that with the electronic meeting they are allowed to table items for a week to allow public comment to come in. Director Grover states that this is correct. He states that he would like to remind everyone that this is just preliminary approval. When they start looking at ditches and easements, these things are all addressed at final approval. He states that they can take these things in to consideration but they will be addressed at final approval.

Chair Edwards states that he will allow the applicant to address the questions.

Jeremy Draper with Reeve and associates states that he will be designing the subdivision. He is happy to help answer any questions. He states that going through the design for the subdivision, everything that has been identified for the preliminary with irrigation, the lines, the irrigation easements, the routing of the lines the one that goes through the middle and the one that Mr. Famuliner spoke about, they will not be routed uphill it will all be flowing downhill. He notes that they are bound to provide the same flow to the end of those irrigation ditches. Going through the design and the final routing all the ditched they have to make sure to provide that so that they are not impacting the adjacent properties. Concerning the land use separation fences this is a standard note that they put on the plat. He notes that they will work with the developer to see what type of fence should be put up there or if there is going to be vinyl or chain link along the property lines for each of these. There was some concern about the weir on the Jusko property. He notes that they will make sure that it is still functioning the way that it is. For those who have control of the ditch they want to make sure that the private ditch owner to work with them to get the improvements in, and for the future roadway dedication. They would have to be relocated in the future. He notes that he is glad the public voiced their concern. He states that they will take this into consideration as they go into final design.

Chair Edwards asks concerning the stance of the irrigation ditch, and when they were speaking on the payment of the ditch. He asks what the County's stance is on that. He asks if the Planning Commission can hold back the decision based on the payment of the ditch. Mr. Wilson states that there is nothing in the code that addresses that and if there is something. This is an administrative review and they are just making sure that it does comply with the code. This is just a preliminary approval. Chair Edwards asks if they are just making sure that this fits with County code when they bring back a plan for final approval is when a lot of this can be brought up. Mr. Wilson agrees that this is where some of these issues can be addressed. Commissioner Parke states that he would to clarify, the payment of the ditch is not within the Planning Commission's purview. Mr. Wilson states that this is correct the County does not enforce private entity covenants.

Commissioner Bell states that he is confused about who owns the ditch on the east side of that property. Chair Edwards states that it is a branch ditch on the main canal. It is a shareholder ditch. Anybody who receives or takes water out of it is a shareholder and they all have a right to that ditch. It goes all the way over to 2600 S. Commissioner Favero states that what is exceptional of this particular ditch is that it goes all the way over to 2200 S. It crosses 2200 S and continues north and provides irrigation to everything on the North side and then West to below 4700. It is a critical water ditch. This is the importance of it. This is why all the people should be included because of the fact that it includes a lot of people. Commissioner Bell asks if all of the people who have ownership should be included in the conversation. Commissioner Favero states that they should be because of the fact that it becomes a private issue. It is not really the canal company, it becomes that shareholders responsibility. Since the easement is there for the shareholders they have a stake in this.

Chair Edwards states the he has another question for the engineer on the project. The irrigation pipe through the center of the project is being rerouted. He asks about the drainage ditch. He asks what the plan will be with this. Mr. Draper states that this is something they will get into as they get into the design. He asks if it is a tail water ditch or a drainage ditch. Chair Edwards states that he knows it takes tail water but he is not sure if it takes drainage water from any of those subdivisions. Mr. Draper states that he will make sure that it is included with the design. If it is a drainage ditch with storm drain water they can reroute that to the West of the detention basin and tie them to the drainage ditches. If it is just tail water it needs to be continued to the North they will provided that in a separate pipe to the north. Chair Edwards asks if this is an LID approach. Mr. Draper states that it is and the state has gone to an LID developments this is something that they have been working on. He notes that they did it with another subdivision and it worked really well. He adds that he will be incorporating the swells on the sides of the road as a part of the storm drain system. Chair Edwards states that he really likes the concept.

Chair Edwards asks if there are any other questions concerning this.

Commissioner Borklund asks if there is a code requirement for the canal to be fenced. Mr. Wilson states that there is, the requirement is under section 106-4-2 (j) it requires for ditches or canals that carry five second feet of water, the canal in question carries three second feet of water. It would not be applicable in this case. Chair Edwards states that there was reference to the ditch being piped.

Commissioner Parke asks where the weir is located. Mr. Favero points it out on the map. Chair Edwards states that the weir will need to be addressed. Mr. Perkes states that there is a call out on each of the ditches that they will be piped. He is not sure if the weir is accommodated from a design standpoint. Mr. Draper states that this is something that they will take into consideration through the final design. They will look at maintaining the weir or if they need to look at a different style of structure for a diversion. He adds that they will work with the owners and the irrigation ditch to make sure that needs of the ditch are still met.

Commissioner Bell states that he would like to see the engineering drawings to make sure that the concerns are addressed. He asks what would be the impact if the road easement were to be moved. Mr. Perkes states that as they worked with the applicant and the Juskos on how the alignment would work out they decided to have the dedication along the eastern boundary and the proposed intersection on the portion of the half width, if the right of way were to be pushed further West the stub road would wind westward and have to wind itself back Eastward. This did not make much sense.

Commissioner Favero asks concerning the subdivision to the North on 2200 S on the first lot to the East, a provision was made to accommodate the standard on the quarter section line. Mr. Perkes states that he did not see any and it might not have been contemplated when it went in.

Commissioner Atkinson states that he appreciates all the comments. He notes that the water issues are complicated.

Chair Edwards states that he appreciates all the comments and he notes that this proposal is for preliminary approval. Generally when an applicant brings in a preliminary plan it just shows that they are meeting the current zoning and one that have been granted preliminary approval the applicant can go back and bring in a full set of plans and at that point all the different review agencies have the opportunity to approve the engineered set of plans.

Commissioner Parke moves to table the application for a week to allow for public comment and be more involved. Commissioner seconds. Motion carries (6-1) with commissioner Bell voting nay.

Chair Edwards notes that Planning staff will create an agenda and packet and send it out with all the information.

Director Grover asks Chair Edwards to do a roll call to get availability April 21st for a special meeting of all the Planning Commissioners for the special meeting. Commissioner Atkinson states that is will be unavailable. Commissioner Bell, Commissioner Parke, Commissioner Favero, Commissioner Borklund, Commissioner Andreotti, and Chair Edwards states that they can be present for the special meeting scheduled for April 21, 2020.

Chair Edwards states that there will not be a another public notice sent out, if they feel that there are other members that will wish to speak on the issue, have them send their comments to the Planning office. He notes that this is a good a subdivision and he would like to hear more comments from the public on it.

4. Training: Open and Public Meetings Act: Mr. Wilson states goes through the open and public meetings act presentation. Concerning the question about whether Planning Commissioners can email each other concerning upcoming items. Mr. Wilson states that the emails between Planning Commissioners are subject GRAMA requests and can be considered public record. Commissioner Favero asks if the Planning Commissioners email each other and that's public record, should they have a public email address. Commissioner Parke states that there should be a County site where Planning Commission emails can be copied to. Mr. Wilson states that this is not necessary there is business that is conducted on private emails all the time. He notes that there is retention schedules, and he is happy to go over those with the Planning Commission. A lot of the Planning Commissioner's don't need to be kept forever. He notes that the sender will be required to maintain the emails under the GRAMA. Mr. Wilson states that they are welcome to contact him with any questions.

5. Public Comment for Items not on the Agenda: there are none

6. Remarks from Planning Commissioners: there are none

7. Planning Director Report: Discussion regarding amending South East general density to be very low density residential and fence sample to separate Ag. and residence in cluster subdivision.

Director Grover states that concerning the Uintah General Plan the County Commission would like to wait. Until the first of the year. They are hoping to revise the whole plan and start something new. Concerning the fencing he is still working with them on that. He notes that he is hoping to have some more information that by the time they meet at the next month's meeting.

8. Remarks from Legal Counsel: there are none

9. Adjourn to Work Session

MOTION: Commissioner Bell moves to adjourn into a work session. Commissioner Favero seconds. Motion carries (7-0)

WS1: Discussion regarding amendments to the subdivision code regarding substandard streets.

Mr. Ewert goes over the changes to the subdivision code concerning substandard streets.

Commissioner Andreotti states that the problem is that they build the lots above the flood plain and drainage off of those lots run into the field's right next door. He states that they need to be careful how they treat these things. If an individual didn't make a site plan and there is a shed that is right on the line, every time it rains it makes a wet spot. He states that what he is trying to do is head off a catastrophe. In some aspects it might be ok but if it is going into a farm. It should be at least 10ft and there should be a drain if the water running off of the lots need to go into a drainage easement that goes either to a holding pond or a drain ditch. There should be drains put in there if the lots are built up to where it can drain in that subdivision.

Commissioner Favero states that he has some concerns leaving it to the County Engineers and leaving no room for argument. The situation piggybacked on to Commissioner Andreotti's comment. Everything that is agriculture that is turning into housing has to drain somewhere. As the subdivisions go in they are putting in storm drains, but there is an adjoining property that is undeveloped and there is a rain storm or tail water from irrigation. The engineer has a hard time feeling that the County has any responsibility with that. Going through the process they will find that the citizens that understand the lay of the land they are not being taken seriously by the engineering department. The engineering department does not have a full grasp and they are not available to see when the catastrophe happens. The subdivisions gets wet and it is nobody's responsibility. The County is the first point of contact. He states that he would hesitate to take away input from other entities. That water has to have some where to go and in some cases it goes into and drainage ditch which is also an irrigation ditch. When these farms were established the key was to maximize the open land so that they could farm as much as possible. He notes that this can save space and money. A lot of the facilities that are built to carry water are all one facility. He adds that his experience with Engineers has not been positive concerning this issue. Engineering feels that its everybody's responsibility to keep their water off of everyone's else's place. The public wants everybody to be safe and for no property damage to occur. This is what everybody wants. This does not happen sometimes and some bad circumstances come from that. He states that he hates to pull that away from other points of input. Mr. Ewert states that he can add some change to say authorized by the County Engineer subject to review by the Planning Commission. He notes that they will address drainage easements on property boundaries agricultural properties that abut an agricultural use. He asks if this is only an issue when the lots are higher than the farmland. Commissioner Andreotti states that it depends on the water. There could be a subdivision next door that could get wet the same way. He states that they need to be careful on how they treat the runoff water. It works both ways. Commissioner Favero agrees and states that if they are on higher ground they are safer. If it was just tail water that's seasonal, but it is a year round situation because it is tail water in the irrigation season and storm water the rest of the year. If there is a heavy snow and a quick melt, there is a water problem.

Mr. Ewert asks if they are most concerned with crop producing agriculture. Chair Edward states that it is all agriculture. Commissioner Favero states that the liability is the same no matter what.

Mr. Ewert asks how issues like this have been dealt with in the past. Chair Edwards that the people in the area don't usually have lawyer to deal with the issue in court.

Mr. Ewert asks what tail water means. Commissioner Favero states that it is run off water from after they irrigate. Flood irrigation is putting 2 or 3 second water from a pipeline or a ditch onto a field. They are normal watering or irrigating a strip that is 200 to 300 feet wide from one end of the field to the other. The control points depend on the crop. Once the water gets to the bottom of the field it has to have some where to go. While the water is making its way from one of the field to the other, they are getting absorption after the soil is full absorbed. If a change is missed on that water and misses turning it off. All of that water has to have some where to go. That is a lot of water that is going to cause problems for somebody if it doesn't have a place to go. When that

kind of liability is next to a subdivision. The subdivision is protected to a certain degree depending what way the houses face. If the road is the divider between the agriculture and the house there are storm drains that will take care of it. If the yard on the houses butt up against the agriculture property the water has to travel through the yard and possibly through the house to get to storm drain. Mr. Ewert states that most people who live in those residences have insurance. He asks what a farm has to protect from damage like this. Commissioner Favero states that if they are smart they are carrying liability insurance or an umbrella. Every business is different. Mr. Ewert asks if it compensates from the loss in crop or is it damage mitigation. When it gets turned into the insurances it turns into a fight because the entities doesn't want to pay. Whoever go the damage is the ones who suffer until there is a compromise.

Concerning the substandard street systems Mr. Ewert goes over the changes.

Commissioner Favero asks if the requirements are made for emergency response such as fire. Mr. Ewert states that the minimums street width from the fire code and the wild land interface code is 20 ft unless the access road access 5 or fewer houses. He states that the reason that they have the street standards that are there is for factors of safety it is also for consistency. There needs to be a shoulder to store snow on without private land owner conflict. If there is a substandard street that is not the correct right of way width or the correct asphalt width snow is getting thrown on to private properties that has its own consequences. The last thing they will want a developer to do is a do a traffic study in order to stunt growth. He states that the immediate factors of safety are fine with 20ft. there are different factors to the thresholds of safety. The totality of the standards come in when looking at where the snow is going to go, where the drainage is going to go, landowner conflicts, and long term safety issues.

Commissioner Borklund states that if it does need to be improved it is the burden of the homeowner not the developer. Mr. Ewert states that the challenge is that it is not coming out of the developers pocket and when the home owner is signing the documents they might not look at them in depth.

Commissioner Borklund asks if they are referring to the road width or the full improvements. Mr. Ewert states that they are talking all of it. Mr. Ewert states that they can ask the developer to make some improvement but they cannot ask them to do more than their proportionate share. He notes that an easy way to find out if it is proportionate was the cost of installing curb, gutter, sidewalk, and asphalt for a half width street for the full width of one of their lots that value should be what they are putting into one of the other facilities. Mr. Edwards asks if they can escrow the amount. Commissioner Borklund states that a lot of it depends on whether or not it will connect, some of them won't connect. If they do connect the home owner will be responsible for making the improvements and that is not fair. Mr. Ewert states that this is the reason they want to put together a contract and just a deferral. So that they won't protest special assessment areas or special improvement districts. If they are going to be applying a special assessment area they might not need to call on the deferral agreement. Commissioner Parke states that the special taxing district makes more sense than a deferral agreement. Mr. Ewert states that if there is a special taxing district they can bond for the improvements.

Commissioner Favero asks how up to date the transportation plan is. Mr. Ewert states that he current transportation plan was adopted from 2003. Commissioner Parke states that they would like to know about the Master Street plan. Commissioner Favero states that if they had something that was up to date that they could rely on, it would make this proposal more palatable.

Commissioner Parke states that with the earthquake he has been wondering what will happen if a railroad card gets overturned and dumps a chemical cart and they have to close down 12th street. The people to the West will not have any way to get out of there. This needs to be part of the Master Street plan. There needs to be another access. Mr. Ewert states that if the county is running a general plan amendment for the area the master street plan needs to be addressed. At this point there are some areas that are not developed very well, but there is great opportunity to draw where the streets should go. Commissioner Favero states that this is the kind of data that this needs to be based on. There has been some discussion about getting back to the basic thing. This is prudent and makes sense, but there is nothing to go by and the plan is not up to date.

Commissioner Parke asks if they will take out any option for a deferral. Mr. Ewert states that it should be left in as option. He notes that the nature of calling on them is going to lead to doing special assessment areas or special improvement areas.

Mr. Ewert states that one of the findings that would need to be made by the Planning Director or the Planning Commission would need to make would be that he the road is unlikely to connect there. Director Grover states that concerning the deferral agreement they are very helpful when they go in to create a special assessment district because there is a buy in from the previous property owner. Most of the time this is what is going to happen with these areas is that it is going to be created by a special assessments

district because usually the County doesn't do that but the cities will. Whenever the Western Weber does become a city that is when they typically become an assessment district. It is much easier at that time. Mr. Ewert agrees and states that if they have financial liability of 20 grand hanging over their heads or their property or the creation of a special assessment area it would be an easy choice.

Commissioner Parke asks how they would measure this against the growth data that was presented by affordable housing study and the growth. He asks if this will be considered as well. He asks if this is just going to be somebody's subjective view. Mr. Ewert asks what the Planning Commissioners want to see. He notes that it is going to be hard to hard to make 12th go much further.

Commissioner Borklund states that the developers are the ones that have the money, the special assessment districts help but it still puts the burden on the home owner. If the developer doesn't put it in, it goes in their pocket they are not going to sell the lots for any less because there is not enough road width. Mr. Ewert states that the developer will be improving the road in front of their development. The question is who will pay for the access that leads to the development. He notes that they are not requiring an exaction or a taking, they are just saying that they cannot develop if the road is not wide enough. The owner then has to decide if they spend the money on improving the road or abandoning the project.

Commissioner Parke states that he wants to think about the time period and how they are going to measure what is going to happen in the time period. Mr. Ewert states that is a valuable direction to go in. He notes that the Planning Director and the Planning Commissions need to mutually make these decisions. A planning director should have enough foresight to tell that the road will connect in the next 5 years. He states that if they want more objective criteria, he can look into that. Commissioner Favero states that he just doesn't want to have anyone get a surprise and he does not feel that it is fair to have someone buy a place and ends up having to pay. Commissioner Atkinson agrees. Commissioner Parke asks if there is a house already on the street, would they have to be part of the new special assessment district. Commissioner Favero states that this would not only affect the people who are buying in to the subdivision but also the people that already live there. Commissioner Borklund asks if they would have to add just curb gutter and sidewalk or would they have to widen the road. Mr. Ewert states that some of these roads are only 17 ft wide. Commissioner Andreotti states that the thing that strikes him is on a new home the new owner buys the home and generally they are buying the road and the improvements to put his home on, 20 year later it happens again. He states that only equitable way of doing this is create a special improvement district for everybody. He states that it would be a line item on the taxes, they would know that it is there and hopefully they would figure out what it's there for and get educated. He states that it is possible that there is a better way, and everybody uses it and they will need to pay. The improvement district might be the most equitable way of doing that.

Commissioner Favero states that he would have less problems with this if there was an up to date plan. The Planning Director and Engineering might know the lay of the land they have no way of knowing what changes will happen. He adds that he would feel 80 percent better about it if there was an up to date road plan. He adds that he agrees with Commissioner Andreotti stated about the special district, it would be the only way to do it unless it is collected up front when the subdivision goes in and the road goes in to a certain standard. His main concern is that there is no vision on the roads. Commissioner Parke states that they cannot collect it up front because there is no way to know if a road will go in, if it is collected up front there is no way to know that it will cover the cost. Commissioner Favero states that the collection would be making sure that the improved road goes in it would not be an escrow. Mr. Ewert states that he will be working with the County attorneys to see how an escrow might work in that nature and discuss the possibility of long term escrows in higher interest bearing and what the legalities might be. It might keep pace with current inflation. They could then pull the money and make the improvements that need to be made. It would not just be hopscotch improvements it might only be improving an extra two feet of asphalt. They can figure out how to make system improvements. Commissioner Favero states that his only suggestion with this is that that money stay or be used for that area. Mr. Ewert states that if they take in money like that they have to specify the improvements. He adds that over time it should pay for itself but he is not sure what the legalities are for it at this point. He adds that he is not sure concerning the legality of holding on a developer's money for that amount of time. Commissioner Favero states that at point it would not be the developer money anymore, it becomes the Counties money to use on improvements for the area. Director Grover states asks if this would meet the intent 13 years down the road. There are some funds that have been collected and if they were to put that in today it would cost a lot more than it did in 2010. Commissioner Favero states that they are trying to make this equitable for the developer. Commissioner Favero states that they would like to make it more equitable for the developer. He asks what will make it more equitable for the developer. He states that he believes that it would be just collecting the money than putting in the road. Mr. Ewert states that putting the road is not going to be the most equitable option if it is putting in a few hundred feet beyond their development. It would be hard to call it equitable unless there is a lot of homes in the development. He asks how they feel moving forward with the language as it is proposed. He states that he will continue to pursue the funding question. He asks if they can convert escrow funds into county funds and put it in a high interest

earning account. He asks if legal has any opinions on it. Mr. Wilson states that he is not sure at this point. Mr. Ewert states that it could take quite a while to pin down an answer. He would recommend moving forward with what was discussed and better information is received it can be changed. Mr. Wilson states that he is hoping to get more information on it before the public hearing. Mr. Ewert states that it is not going to be an easy decision.

WS2: Discussion regarding a proposed accessory dwelling unit ordinance.

Tammy Aydelotte states that there is nothing in the current code that allows for accessory dwelling units. It is mentioned in the DRR-1 Zone, there is nothing else. Recognizing a need for these in the near future staff is writing up a new ordinance to allow for accessory dwelling units in any zone that allows for a single family residence. She states that an accessory dwelling unit is a residence that is either single or detached that is accessory to a single family dwelling. They are attached or detached. She notes that with the new ordinance they are getting rid of the accessory apartments altogether it is being combined with the accessory dwelling unit and calling it an accessory dwelling unit. With an accessory apartment an applicant can apply for a conditional use permit prior to that approval, with this they are automatically permitted in zones where a single family residence is allowed. They did define and adjust accessory dwelling unit definition. Ms. Aydelotte goes through the changes in the code.

Chair Edwards states that when they see these types of accessory dwelling apartments, it is usually like a mother in law apartment. There needs to be two parking stalls for that to be a requirement for them. If they are placed on smaller lots in some of the RE-15 zones the setbacks are already going to be tight. Is this going to limit them? He notes that he would feel more comfortable requiring one more additional parking spot. Mr. Ewert states that what they see often with affordable housing is that it devolves as the answer to residential values. It is either that someone is being taken care of and probably doesn't have a car or it is a new families or with no children with 2 vehicles. Commissioner Borklund states that one thing that is important with accessory dwelling units is that they appear to be invisible. They don't seem to look like a duplex, it is a home with a second unit. Commissioner Parke asks if this means that none of them can be detached. Mr. Ewert states that staff is proposing the opposite that detached units be allowed. Commissioner Parkes states that looking at the units in the County the two side by side requirement is not being adhered to very well. They probably have more than two cars. Mr. Ewert states that it is referring to at least two side by side parking spaces but it can be more. Chair Edwards states that he would prefer seeing only one on an accessory building. Commissioner Borklund asks if this mean two parking spots for the main dwelling and two for the more for the accessory dwelling. Mr. Ewert ask if the concern is the area, where side by side takes up too much space. He asks if it would make them feel better if it was tandem. Chair Edwards states that side by side or tandem does not matter. Commissioner Borklund states that if they can provide the tandem without widening the drive way it would be better. Chair Edwards states that if they are setting a requirement more is better but he would rather the minimum be one. Commissioner Parke asks if they should be paved. Mr. Ewert states that it need to be hard surface this is a requirement that is in the parking chapter. Commissioner Parke agrees that one is sufficient. Mr. Ewert states if they do one and it is a hard surface parking spot, the risk there is that vehicles will not be parked on hard surfaces. If it is for smaller lots it is possible that they will be parking on the street. Commissioner Borklund asks what is wrong with parking on the street aside from the winter time. Chair Edwards states that people are already parking in the gravel and dirt. Mr. Ewert states that he has no problem with on parking space he just want them to be aware of the side effects.

Ms. Aydelotte states that concerning the number of dwelling units per parcel. One accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code. Commission Parke asks if there is a limit on how big they can be. Ms. Aydelotte that they are requiring the accessory dwelling unit conform to the main dwelling in architectural style, materials, building, and roof. The accessory dwelling unit shall contain sufficient amenities such as utilities, water, parking on a hard surface. She notes that the moderate income housing provision has been removed. Mr. Ewert states that it is not removed it is just pretty heavily modified. Ms. Aydelotte states that they put in as a separate line item that short term rentals are not allowed. They note that there is a provision in the code that states that temporary leave for religious, military, or other legitimate purposes may be permissible.

Ms. Aydelotte states that concerning relevant authority approvals. The accessory dwelling unit shall comply with local regulations for a single family dwelling units. Approval from the following local authorities is required. Fire authority, official over addressing, culinary water authority, sanitary sewer authority, and the building official. Commissioner Edwards asks once they already water connection he is not sure why they would need another approval from the water district. Mr. Ewert states that it would be up to the land owner. If a brand new line is installed and the charges are coming from the water district and it goes to whoever is in the accessory dwelling unit. Chair Edwards state that would have to pay impact fee to get another connection. If they tie off of their own existing service the water authority doesn't necessarily need to see that. Mr. Ewert asks if they need to have extra rights. Chair Edwards states that he does not believed there would be anything else required for a secondary unit. He states that it is based of a

rate structure. It is based on the unit is going to use more water and the cost will go up, when the cost goes the rates go up as well. This is where the excess water is accounted for. It is done by gallons. Mr. Ewert states that on culinary water authority make a note "if applicable". Chair Edward's states that they overcomplicating it, there is no need for an addressing official. He adds that he is not sure how the fire authority would make a difference. Mr. Ewert states that the fire authority reviews every building that goes in. he notes that they will try to meet with the David Reed from the fire authority concerning some of the issues brought up. Commissioner Borklund asks if the units will need to be inspected prior to certificate of occupancy being issued. She asks about egress windows. Will they need to be checked off as well. Mr. Ewert states that it will be inspected as part of a building permit and as part of the IBC.

Commissioner Borklund asks if they are limiting it to a certain percentage of the home. Ms. Aydelotte states that they are. Mr. Ewert states that they need to ask more question about the culinary access. He notes that Weber Basin might want to weigh in on this. The floor area of qan accessory dwelling unit shall not be less than 400 sq. ft. and shall not exceed 1000 sq. ft. in no case shall the floor area of the accessory dwelling unit exceed 40 percent of the gross livable area of the main dwelling, except that if the accessory dwelling unit is entirely located in the basement, the entire basement area may be used for the accessory dwelling unit. She notes that the percentage was changed from 25 percent to 40. Mr. Ewert states that for accessory apartment it was changed from 800 maximum area to 1000. Commissioner Borklund states that they will want to make sure that they are smaller than the home.

Commissioner Borklund asks if there is a provision for tiny homes. Mr. Ewert states that the minimum is 400 sq. ft. if they can get a tiny home at 400 sq. ft. they can have one. He notes that the 400 sq. ft. comes out of the standards for single family dwellings that has been adopted.

Mr. Ewert states that concerning the location an accessory dwelling unit shall comply with the same lot development standards as a single family dwelling in the respective zone. This means that they will have to comply with the side setback requirements on the lot. He notes that they allow accessory buildings as close as one foot to the property line and there is space in there to be an accessory dwelling unit. He asks if they would be concerned with saying that they can't do it in that building because it is too close to the property line. Chair Edwards asks if the 1 foot exemption was just in agricultural buildings. Mr. Ewert states that it is any accessory building that is less than 1000 sq. ft. and at least 6 ft. behind the main building. With the location provision they would still have to comply with setback standards. Commissioner Bell asks why they would need those setbacks on an ADU. Mr. Ewert states that the impact of the dwelling unit is the same because there is people living in it. There are already a lot of buildings that could potential have an accessory dwelling out there that would not be setback the 10 or 14 ft. He asks if they should enable those buildings to have accessory dwelling units in them. Commissioner Parkes states he believes that they should. Ms. Aydelotte states that the other thing to consider is that if they decide to allow those accessory dwelling units, the same setbacks as the accessory dwelling unit it may limit the possibility to subdivide. This may not be a big issue but if they were to subdivide the lot, the main and the accessory which ever lot the accessory lot is on has to meet the setbacks. It may be that no one is looking to further subdivide. Commissioner Borklund states that the purpose of an accessory dwelling unit it is on a property that should not be allowed to be subdivided. Commissioner Bell agrees and states that most of them will be on one acre lots. Mr. Ewert states that if they have the amount needed to subdivide and they have 2 acres in the one acre zone they could still subdivide one of those lots off. If one of the lots has an accessory dwelling unit but does not meet the setbacks and they want to call it accessory building. They would have to keep it and build another house if one of the lots has an accessory dwelling units that does not meet the setbacks but they still want to call it an accessory building they will have to keep it and build another house there. The accessory dwelling unit cannot be used as a main home.

Mr. Perkes asks if they have thought about a fence helping mitigate the one foot setback and if they are going to be one foot away. Would a fence be an appropriate amount of mitigation? Mr. Ewert states that he is not sure that a fence will help. He adds that if they are talking about ground level accessory dwelling units this would be a good feature to have. it might not be effective with an attached garage accessory dwelling unit if it has windows.

Commissioner Bell states that his concern is that he wants to help promote ADU's to help with the moderate income housing requirement. The more they can promote ADUs the better. Mr. Ewert asks if they would be okay with a 5 foot setback. Commissioner Favero states that there has to be some setback. He states that he is not okay with a foot setbacks. He states that it could become a fire hazard. Commissioner Bell states that he agrees but there are already building that are one foot off the property lines. Commissioner Favero states that moving forward with new construction there needs to be setbacks. Anything existing should be looked at from a case by case basis. Commissioner Bell states that if they can specify that with new construction he would be on board. There are existing structures that people might want to convert into ADUs he would like to make that available.

Director Grover states that concerning any new structures that are habitable and don't have a fire wall need to be 5 feet from the property line per building code. Commissioner Favero asks if this is for existing buildings or just new ones. Director Grover states that this is for the new building if they are existing they would need to put in a fire wall.

Mr. Ewert states that they already have setbacks requirements for buildings that house animals. There are barns that are one foot off of the property line. He notes that what they have been allowing is the housing of the animals to be on the far side of the barn. Where they are being housed does meet the minimum setback requirement. He asks what the Planning Commissioners thoughts are on this. He notes that 10 ft from the property line inside the space they could require the owners to have closet or storage space. The accessory dwelling unit would have to be inside of the building and where it starts would still be 10 ft. from the property line. Commissioner Bell states that he is not sure how they would be able to specify that. He states that he agrees with Commissioner Favero it need to be off of the property line and he is ok with 5 ft as a minimum. Mr. Ewert states that if someone want to avoid the requirement with new construction they could just go in a get a landuse permit for an accessory dwelling unit that is one foot off the property line. 4:53

WS3: Discussion regarding the planned residential unit development (PRUD) code. This item was postponed.

WS4: Discussion regarding amendments to the rezone procedure ordinance. This item was postponed.