

**Minutes for Western Weber Planning Commission meeting of November 10, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm & Via Zoom Video Conferencing**

**Members Present:** Bren Edwards-Chair  
Greg Bell-Vice Chair  
Wayne Andreotti  
Andrew Favero  
Bruce Nilson  
Sarah Wichern  
Jed McCormick

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Felix Lleverino, Planner II; Scott Perkes, Planner II; Tammy Aydelotte, Planner II; Matt Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

Chair Edwards states that Commissioner Borklund is present at the Commission Chamber. He would like to recognize her for all her years of service. Director Grover states that she served many years and was very faithful. Not only has she been gratuitous that way, but she is currently serving on the Board of Adjustments. She is continuing her public service, her knowledge in Planning and helping the County has been amazing. She was always making comments that are spot on and applicable and germane. She served as chair for the Planning Commission. He thanks Jannette Borklund. Chair Edwards thanks Jannette Borklund for her service on the Planning Commission. She always brought a lot of great information and great expertise to the table. He states that he appreciates all her years of service and her continuing her service with the Board of Adjustments. Commissioner Andreotti seconds that. He states that he enjoyed working with Jannette. She is a great person and will do very well on the Board of Adjustments.

Commissioner Bell asks if they can move the **Public Comment for items not on the agenda**. Mr. Wilson states that if the public wants to comment during this period the comments cannot be for items on the agenda. Planning Commissioners agree to move the **Public Comment for items not on the agenda** and place it after item **Approval of minutes**.

**Minutes: November 12, 2019 & October 13, 2020.** Minutes approved as presented.

Chair Edwards asks if there are any conflicts of interest or ex parte communication to disclose. Commissioner Bell states that he may have a conflict of interest because he lives near the Taylor Landing Subdivision and he received a notice for the hearing from Weber County concerning this meeting. Mr. Wilson states that he advised Commissioner Bell to declare a conflict of interest it is good to disclose this. He notes that there is no hard and fast rule of the vicinity of a project, but the further the property is the less of a conflict there is. If there is an apparent conflict the remaining Planning Commissioner may vote to decide whether he should be allowed to participate. Chair Edwards asks if there any comments concerning this. Commissioner Wichern states Commissioner Bell would represent his community as long as he is not financially involved she is okay with his participation. She states that the whole community near and far should be represented. Commissioner Nilson states that he agrees with Commissioner Wichern. Commissioner Andreotti states that he also agrees.

**MOTION:** Commissioner Wichern moves to allow Commissioner Bell to participate in administrative items 3.2 and 3.3 concerning the Taylor Landing Cluster Subdivision. Commissioner Nilson seconds. Motion carries (6-0).

Commission Nilson states that he lives near the Highland Bluff estates, and notes that he does not feel he has a conflict of interest. He states that he has no financial interest. Commissioner Wichern states that she is in the neighborhood as well but she did not receive a notice and she notes that she would not consider it a conflict. Mr. Wilson states that there is more than just a financial

conflict of interest, he notes that there was a training on this recently and he would be happy to provide the training again. He notes that the reason that Commission Bell was advised to disclose was that he lives so close. He notes that Commissioner Wichern made a good point, concerning the notification area then they might not need to disclose a conflict. Commissioner Nilson states that he did receive a notice, but does not have a financial interest and has no conflict of interest.

**Public Comment for Items not on the Agenda:**

Kenyon Dove Downton Ogden, states that he is an attorney at Smith and Knowles law firm. He states that he represents Ms. Shae Bitton and other interested parties. He would like to comment on something that is not on the agenda but is related to the Taylor Landing Subdivision. He wants to make sure the Planning Commissioners aware that there is pending litigation against Weber County concerning Taylor Landings preliminary approval. He states that he would like to bring up the potential conflict of interest concerning Commissioner Favero and Tom Favero. Tom Favero is the farmer that is intended to farm the open space in the Taylor Landing Subdivision. He believes that he has written evidence from the states that Commissioner Favero has a pecuniary interest in Favero Farms LLC. He states that he wanted to bring these items to the attention of the Planning Commission and would request that this item be tabled until the lawsuit can be resolved to avoid unnecessary cost to Weber County Taxpayers. If the Court finds in favor of his client everything done will be undone including the appeal by the County Commission. Mr. Wilson states that he has been unable to reach Mr. Dove for the past 24 hrs. and has been unable to respond to him. Regarding the conflict of interest, he has received personal guarantees that Commissioner Favero is not part of that the Favero Farms LLC. Mr. Dove can provide the information that he has. He notes that the reason they are moving forward with the consideration of final approval is that it is the applicant's wishes. The applicant has been informed that it is pending litigation, if they want to proceed they are subject to the court's decision. If they receive final approval and the court decides in favor of the Plaintiff everything would be undone. It is up to the applicant if they want to proceed or not.

Boyd Cook asks if he can interject concerning the Favero's. Chair Edwards states that this is a public comment section for items not on the agenda and the previous comment should not have been made because it concerns the Taylor Landing Subdivision which is on the agenda.

Chair Edwards asks if there are any comments for items not on the agenda. There is none.

**Consent items.**

**CUP 2020-17: A request for approval of Conditional Use Permit to remove an older water tank and build two new 375,000- gallon water tanks that serve Uintah City.**

**MOTION:** Bruce Nilson moves to approve CUP 2020-17: A request for approval of Conditional Use Permit to remove an older water tank and build two new 375,000- gallon water tanks that serve Uintah City as presented. Commissioner Wichern seconds. Motion carries (7-0).

**3.1 LVH 091820: Consideration and action on a request for preliminary approval of Highlands Bluff Estates Phase 1, 1st Amendment, a subdivision proposal to create a 12 lot residential development.**

Mr. Lleverino states that this is a standard subdivision for the zone. It is designed to meet the minimum standards for the R-1-12 zone. The minimum lot size would be 12,000 sq. ft. the minimum lot width would be 90 ft. This occupies a property in the Unincorporated Uintah area. The total land acreages for this property is 4.59 acres. Staff looked at subdivision requirements and zoning standards. The proposal creates an intersection off of 2225 East St. All four lots are fronting on that right of way, it terminates a turnaround. This design is also helpful in showing some of the utilities that are existing. It also shows the detention basin area. There is a utility easement running along with lots 1-4. This plan includes relocating that line. What that does is, it allows for those lots to have more usable space for residential development on those lots. He notes that the developer is present, if they want to make some comments they can do so at this time.

Randy Moore states that the proposal meets all of the requirements of the R-1-12 zone. There was a question in the pre-meeting concerning the geotechnical report. There is a copy of this in the staff report. He states that there were no big issues or concerns found in this study. These are large lots they average around a third of an acre per lot. Looking at the underground detention, the exact design of that will be presented at final approval. He states that they decided with that design to avoid any kind of an eyesore of a pond and reduce the maintenance. He asks if there are any questions for him.

Commissioner Bell asks how the applicant is planning on rerouting the storm sewer easement. Mr. Moore states that there is an existing storm drain to the South and it picks up the diagonal line across lots 1-4 it goes to the angle to the top right corner. They are going to maintain and keep the existing line that angles to the top right the existing line that goes through lots 1-4 that pipe will be abandoned it will be pulled out of the ground and the easement will be abandoned. The existing pipe in 2225 E the existing inlet will come in and they will run a new pipe down the new cul da sac which will tie into the existing pipe and go out. Each of the lots has plenty of buildable area without any issue. Commissioner Nilson asks if the slope of the road is running from the West to the East. Mr. Moore states that it rises at the beginning at lot 1 to about the middle and then slopes to the east. The detention basin on the top calculations takes that into account.

Chair Edwards asks if there any more questions for Mr. Moore. There are none.

Mr. Lleverino states that upon thorough review it was determined that road connectivity is not feasible in this location and a cul da sac is appropriate. He notes that they also looked at the site development standards for the zone and the existing utilities. The current zoning is R-1-12 is designed for residential type development. This development fits quite well the zoning. Weber County surveying is getting ready to review for final plat. Engineering had comments some civil drawings are to be submitted soon. The Fire Marshalls looked at preliminary, at this time Staff recommends preliminary approval with the conditions and findings stated in the staff report.

Commission Nilson asks since they have gone from a 60 ft. road to a 50 ft. road is the cul da sac is it adequate for them to turn around. Mr. Lleverino states that they are in discussions right now on whether the 50 ft. is appropriate Engineering will have the final say on how that road is going to be designed the developer is willing to abide by the engineering standards in place. The roadway will be designed for safety. Commissioner Nilson states that he doesn't mind the 50 ft road but the cul da sac gets pretty narrow. They could the cul da sac wider. Mr. Moore states that the drawing went to David Reed and he has review the Frontier project and approved the cul da sac. He states that he spoke to him specifically about the size and the fire trucks.

Chair Edwards asks if there are any more questions. There are none.

Chair Edwards opens the public comment. There is no public comment.

**MOTION:** Commissioner Andreotti moves to approve LVH 091820: Consideration and action on a request for preliminary approval of Highlands Bluff Estates Phase 1, 1st Amendment, a subdivision proposal to create a 12 lot residential development. This recommendation is based on the following conditions: 1. Weber Basin Water Conservancy District shall approve the plans for connection and extension of all-new secondary water lines. This recommendation is based on the following findings: 1. The proposed subdivision complies with South East Western Weber County Plan. 2. The proposed subdivision complies with the applicable County codes. Commissioner Favero seconds. Motion Carries (7-0).

**LVT031120: Request for final approval of Taylor Landing Cluster Subdivision Phase 1A, consisting of 28 lots in the A-1 Zone, located at approximately 4000 W 2200 S, Ogden UT.**

**LVT031120: Request for final approval of Taylor Landing Cluster Subdivision Phase 2, consisting of 20 lots in the A-1 Zone, located at approximately 4000 W 2200 S, Ogden UT.**

Scott Perkes states that on the agenda this is listed as two separate items. 3.2 is for phase 1 A and 3.3 is for phase 2. He would like to review the two items together as one they are both parts of the same subdivision. The Planning Commissioner do not have a problem with item 3.2 and 3.3 being combined.

Mr. Perkes states that this is Phase 1A and Phase 2 of the Taylor Landing Cluster Subdivision. There is a total of 48 lots in the first two final phases in addition to the dedication of the open space associated with phases 1 and 2. This is located at approximately 4000 W 2200 S. The total project area for Phase 1 is 8.52 acres. The total project area for phase 2 5.46 acres. This project was initially denied by the Planning Commission. The denial was then appealed by the applicant to the County Commission who then overturned the denial and approved the subdivision as a whole for preliminary approval. He notes that what they are looking to do is plat the first few lots, Phase 1A has 28 lots and Phase 2 has 20 lots. There is a total of 48 lots. Between the two total plats, there is a total of 13.98 acres of developable land. He notes that the applicant is dedicating a proportionate amount of open space with the subdivision as a whole proposed to dedicate 58.25 percent of the net developable area as agricultural open space. For each of the final phases, they will be dedicating a proportionate amount of the whole with each of those phases. In total, they will be dedicating 18.89 acres of open space. This does match the preliminary plan for acreage. The culinary water is being provided by Taylor West Weber and secondary water is being provided by Hooper Irrigation. Central Weber Sewer is providing sewer. The subdivision is consistent with the primary plan and meets the zoning for area and width for each of these lots in the subdivision there was one change to the final plat in phase 1 with regards to the road that is accessing off of 2200 S. In reviewing this the Engineering department requested that a connection not be made to 2200 S because that connection was close to the 3900 W road. The preference was that the 3900 W road be the primary North-South thoroughfare instead of having a connection within phase 1 of Taylor Landing. They looked at different options for either a hammerhead or a cul de sac the preference with the Engineering department was to hammerhead the area. The configuration has been review by Engineering, the Fire Marshal, and Planning and has been approved. In phase 1A where the hammerhead is now located previously made its connection to 2200 S, on the rest of phase 1 will use 3900 W as a North-South connection. He states that they decided to close off the access and hammerhead it for safety reasons at the end of the proposed right of way. There are a couple of conditions of approval. One of which is that the open space parcel which contains a sewer lift station servicing the project be deeded over to the County as part of the first phase and an HOA be formed and that the HOA's CCNR's match the requirements for cluster subdivision there is a few other conditions in there that are pretty standard, but staff recommends approval based on the conditions and findings in the staff report. Mr. Perkes asks if there are any questions.

Commissioner Nilson states that he is unclear on who owns the open space area. Mr. Perkes states that the open space area is allowed to be kept in private ownership as long as they are used for agricultural purposes and dedicated as such. The open space preservation plan is intended to help in private ownership and be leased out for farming activities. Commissioner Nilson asks what the HOA is taking care of. Mr. Perkes states that the HOA will be taking care of a couple of very small pathways and the detention basins that are associated with the subdivision. It will be a small minimal HOA that will be maintaining the small common areas. Commissioner Nilson asks if the developer can sell the open space to someone else. Mr. Perkes states that they could but a conservation easement will be placed on each of the open space agricultural parcels. The use would have to remain agricultural.

Commissioner Bell states there is a significant change from the first plat to the second one when major road access was cut off to a major thoroughfare. They are now routing all traffic to all of the homes through two existing streets. There is no connection to 2200. Mr. Perkes states that they did recognize that it would limit the access for some time. He notes that they worked with the Fire Marshall and they were fine with using the half-width of a road that isn't improved yet and 3900 W could provide alternative access if there were an emergency. The emergency access for the second point would be provided off of 3900 W. they will be making sure that that road has enough base course on it to support any emergency traffic. Commissioner Bell asks if they gained an extra two lot in this process, does that increase their density. Mr. Perkes states that they have not the Road that is no longer stubbing through did add a lot but they lost a lot on either side. The number of lots is staying consistent. There are 156 total lots throughout the entire subdivision. It does look a bit different because of the hammerhead but all of the lots still match the minimums for area and width.

Boyd Cook Nibley UT, states that he is the CFO for Sierra Homes the developer on this project. He thanks Scott Perkes and the Planning team, they have been awesome to work with. He states that the only thing that he wanted to point out is that looking at phase 2 will show more clearly how the access will be granted to phase 1 B. He asks Mr. Perkes to point out how the traffic is going

to flow through the hammerhead. Mr. Perkes states that the proposed 2025 South street will allow for additional traffic to go into the hammerhead. There is another entrance proposed off of 2200 South towards the West side of the development that will be going up and around and completing the horseshoe. Phase 1B will have full access on 3900 W and that will connect to 2200 S as well. There will also be an access mid-block between 3900 W and 4300 W. There will additional connection points in future phases. Commissioner Bell asks if they have to wait until phase 5 for connectivity. Mr. Perkes states that looking at the big picture yes. Commissioner Bell asks if until phase 5 they are going to have 160 homes on one outlet of 4075 W. Mr. Cook states that they are proposing that the next phase will be phase 3 and that connection will go all the way out to the South portion. Mr. Perkes states that they did have this discussion with the Fire Marshall. They did understand that there are going to be over 30 homes on one access they also understood that they will be using 3900 it will be improved slightly so that the base course will be adequate to hold emergency vehicles for emergency use. Director Grover asks if Engineering had any issues with the traffic situation. Mr. Perkes states that they did see it as a temporary bottleneck. It is not the best scenario, but additional connectivity will be available and 3900 W as a way to provide emergency access if needed. The Fire Marshalls and the Engineers were okay with single access and they reviewed the hammerhead and the safety gained by the hammerhead as an acceptable interim issue for overall connectivity in the subdivision. He notes that they did require the hammerhead understanding that there was going to be limited access in the first few phases and would be remedied with the next phase. Director Grover states that the Engineering Division was the one who recommended that this access not occur, not the developer. Commissioner Bell asks what the reasons for the hammerhead as opposed to a through road. Mr. Perkes states that they were looking at the road separation 3900 W it will be more of a thoroughfare and the distance between one of the potential accesses and the distance there was less than 500 ft. This was something that did not look to be safe. The raised median was going to be an issue with snow removal. There was going to be a potential conflict because the intersection at 3900 was going to be a four-way stop and Engineering did not like the idea of the separation. They preferred to see it as a hammerhead closed off instead of the connection being made. Commissioner Bell states that he does not see a half of a road as much of a thoroughfare especially if it dead-ends into open space and it's only a half of a road. Mr. Perkes points out that it is half a road only for now. Commissioner Bell states that it will be that way for a long time and there is no way of knowing how long that is going to be. Mr. Perkes states that before they would be able to plat Phase 1B it would have to become a full-width road. They would not be able to move forwards with Phase 1B without that road meeting the County standard. The applicant is currently working with the adjacent property owner to secure that ability to make a full County width road before the phase 1B final plat is approved.

Mr. Cook states that to get any of the phases approved they will also be putting in the lift station and they have to make sure that happens at the same time as the development.

Chair Edwards asks if there are any more questions or comments from the Planning Commissioners.

Commissioner Bell states that he thought there was a connectivity plan or ordinance that forced a certain value. He asks if there was an analysis based on this. Mr. Perkes states that that ordinance has not been approved yet, it is not part of the code at the moment. Charlie Ewert states that they have been in the process for the better part of a year. I will come up again in another couple of months for final vetting. Mr. Perkes notes that some connectivity is required by the existing code and for this reason, the applicant was required to provide midblock access pathways to facilitate the connectivity. That was a component that was review as the initial subdivision approval.

Chair Edwards asks if there are any more questions or comments.

**MOTION:** Commissioner Nilson moves to approve LVT031120: Request for final approval of Taylor Landing Cluster Subdivision Phase 1A, consisting of 28 lots in the A-1 Zone, located at approximately 4000 W 2200 S, Ogden UT, and 3 LVT031120: Request for final approval of Taylor Landing Cluster Subdivision Phase 2, consisting of 20 lots in the A-1 Zone, located at approximately 4000 W 2200 S, Ogden UT. This recommendation for approval is subject to all review agency requirements and based on the following conditions: 1. An HOA shall be established and properly registered with the State of Utah. Associated Covenants, Conditions and Restrictions (CC&R's) shall be reviewed and approved prior to being recorded simultaneously with the final mylars. 2. Per LUC 108-3-5(f)(3), an agreement shall be recorded with the final plats to the title of all open space preservation parcels that details the open space preservation plan and any conditions necessary to execute the open space preservation plan. 3. The small open-space parcel containing the required sewer lift station shall be deeded over to the County simultaneously with the recording of the final plat. 4.

Final letters of approval shall be submitted from Taylor West Weber Water, Hooper Irrigation Company, and the Central Weber Sewer Improvement District prior to recording the final plat. 5. Approved subdivision improvements shall be installed, or an escrow established for their installation prior to recording the final plat. 6. Property taxes that are currently due for 2020 shall be paid in full prior to recording any final plats. This recommendation is based on the following findings: 1. the proposed subdivision conforms to the Western Weber General Plan. 2. The proposed subdivision complies with applicable County ordinances. Commissioner Andreotti seconds. Commissioner Wichern, Votes aye. Commissioner McCormick votes aye. Commissioner Bell votes no. Commissioner Favero states that he would like to make a statement that he is not involved in any venture with Tom Favero and vote aye. Commissioner Nilson votes, aye. Commissioner Andreotti votes, aye. Chair Edwards, votes aye. Motion carries (6-1).

**ZTA 2020-05: Public hearing to discuss and take comment on potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals.**

Scott Perkes notes this presentation was given to the Ogden Valley Planning Commissioner on October 27<sup>th</sup> for a discussion on a couple of scenarios for potential short term rental regulation. In addition to the draft ordinance that would accompany some of the scenarios. He notes that they wanted to bring it to the Western Weber Planning Commission as well. Any potential ordinance would be Countywide and could potentially affect Western Weber. He adds that they will want to have a public hearing and see if there are any comments from the public in Western Weber on this issue.

Mr. Perkes gives an overview of the public comments that he has received to date. He notes that the numbers will be updated before the issue goes to County Commission. The number one concern is community character. There were some concerns about noise and code enforcement, parking, safety, traffic, HOA's, Law enforcement, tax revenue. There are arguments in favor and against some of these topics. For Example, people are concerned that people aren't paying their taxes. They are frustrated that those taxes aren't being collected. Concerning property right there are concerns that it will go up or down. There are people on both sides of the fence concerning this issue. They are concerned with trash and large occupancy, infrastructure, and thing of this nature. He notes that these are some of the issues that have been worked on as a part of the ordinance. He asks how to address this because short term rentals are happening. They are happening in areas where they are allowed but they are also happening quite frequently in areas where they are not allowed. These issues need to be addressed through regulation. He asks if there are any questions or comments on this.

Mr. Perkes states there is a full draft of the ordinance in addition to the scenarios and more information is available on the Frontier website <https://frontier.co.weber.ut.us/p/Project/Index/10593#documents>.

Mr. Perkes gives an overview of the operational requirements. He notes that the short term rentals are not allowed in accessory buildings, accessory dwelling units, and deed-restricted housing. He notes that no matter where they are in the County they do not want short-term rentals to encroach on those uses. A license would need to be secured by property owners before operating a short term rental in an allowed area, they would be responsible to collect their taxes and remit those taxes as well. There are some requirements for operational standards some requirements for them to disseminate information to the public and the potential renters and have advertising requirements so that they could only advertise their property per their approval and they can't be advertising the property for large occupancies or more parking than their property can handle. It will need to be advertised appropriately. There would be occupancy limits, parking requirements, noise limits, trash disposal, and collection requirements. The outdoor light would need to comply with the Ogden Valley Outdoor Lighting requirements. Signage and advertising would not be allowed on the property. They will need to meet fire safety. In a future scenario if they were to adopt a more robust short-term rental regulation all of these items would be associated with any short-term rental that is operating. These are labeled in a lot more detail in the full ordinance. It goes into full detail on what is allowed under the parking requirements and what is allowed under the occupancy.

Mr. Perkes goes through regulatory scenarios. He notes that the Ogden Valley Planning Commission preferred the proof of concept. He notes that it was not included in the packet.

Mr. Perkes states that concerning the 3<sup>rd</sup> party enforcements, scrape all major and many minor STR sites to identify unique listings and their specific addresses. It allows for efficient licensing, tracking, and renewals. It consistently monitors listings for compliance with the County STRs ordinance and licensing requirements. It consistently monitors rental activity and collects data to be used for enforcement efforts. They have dedicated hotlines staffed 24/7 for neighbors to report non-emergency STR complaints, submit evidence, and initiate automatic follow-ups.

Commissioner Nilson asks if the Ogden Valley Planning Commission has approved this. Mr. Perkes states that they have not. They tabled it for their meeting on the 17<sup>th</sup>. They wanted a more clearly defined proof of concept scenario. He notes that he has included this into the presentation it is business as usual but they would be adding the proof of concept would look like. It is business as usual but they would be adding the third party enforcement capability and enact the ordinance that would have the operational licensing standards with a tougher fine and violation structure.

Commissioner Wichern states that she likes the direction Ogden Valley is going, there is a concern that there won't be areas in Western Weber with rental capabilities, but there is a housing crisis and they need the ADU's and if they allow the short term rentals it might take away from ADU availabilities. She states that she believes that the ADU's will be considered equally lucrative given Western Weber's distance from the recreation area.

Commissioner Favero asks what the preferred scenarios was. Mr. Perkes states that it was the proof of concept scenario. He notes that under this scenario they would not be changing where short-term rentals are allowed, but they would enact the ordinance with the operational standards and the licensing requirements, stricter penalties, and violation structure. Under the proof of concept, they would put into place some of the tools. Commissioner Favero notes that the proof of concept was not included in the meeting packet. Mr. Perkes states that the ordinance has been updated in Frontier with the full proof of concept.

Commissioner Wichern asks if Ogden Valley has approved this yet. Mr. Perkes states that it was tabled, so that staff could put together a clearer scenario. It will be back before them on the 17<sup>th</sup> of November. Commissioner Wichern asks if they should wait for Ogden Valley to make a recommendation. Mr. Perkes states that they can.

Chair Edwards states that if the Planning Commissioners don't have any more questions, they will need a motion to open the public hearing.

**MOTION:** Commissioner Nilson moves to open the public hearing. Commissioner Favero seconds. Motion carries (7-0)

Jan Fullmer 3741 Red Hawk circle Eden, states that she lives in the large unincorporated area of Ogden Valley. She states that a great deal of effort and kudos goes to Scott Perkes. He has had to put together a lot of information. She states that the majority of people who have submitted comments and concerns in the Ogden Valley are totally against any expansion of short term rentals beyond the zoned areas in which they are allowed. It is not consistent with the Ogden Valley General Plan which took two years to develop. There are some property rights issues. Some people intentionally purchased homes or built homes in zones that do not allow short term rentals. They could have picked a home in an area that allowed short term rentals. Some people have purchase home in zones where short term rentals are not allowed to rent but did not know it was not allowed in their area. They indicated they want the allowed areas expanded because this is a source of income for them. They did not look at the zoning before they made the purchases. Some of the people are not even residents of Weber County or residents of Utah. They are located out of state and are looking to buy property as a source of income. She states that they have also finished a study 867 units can be legitimately rented for short term rentals. Of these units, 32 single rooms are part of bed and breakfast the rest of them are either condos, townhomes, or single-family homes in zones that allow short term rentals. They are comprised of one to six bedrooms. The majority of those are on the valley floor. She thanks the Western Weber Planning Commission for waiting to hear from the Ogden Valley Planning Commission. She adds that the people in Ogden Valley are very upset about this, and looking at the scenarios that would expand short term rentals and the fact that the majority of people are totally against it. She adds that they were told that it is not a democratic process and they were very discouraged by this. There are some really big issues in the Ogden Valley.

Chair Edwards asks if there are more comments. There are none.

**MOTION:** Commissioner Bell moves to close the public hearing. Commissioner Wichern seconds. Motion carries (7-0).

**MOTION:** Commissioner Wichern moves to table ZTA 2020-05: Public hearing to discuss and take comment on potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals until the next meeting. Commissioner Bell seconds. Motion carries (7-0).

**ZTA- 2020-03: Public Hearing to discuss and take action on a proposal to amend the zoning code to allow for accessory dwelling units in all single-family dwellings as a permitted use.**

Director Grover states that this is another item that was instigated by staff. The reason for this is to meet the affordable housing requirement. He notes that they are required to give an update on affordable housing by December 1<sup>st</sup>. They will want to open and close the public hearing.

Tammy Aydelotte states that this is a staff-driven request to amend the current land use ordinance to allow for accessory dwelling units as a permitted use in any zone that allows for single-family dwellings. The main purpose is for the County to be able to allow for housing types that might accommodate the various needs that may exist and continue to exist in Weber County. She notes that they are looking at projected growth in Weber County alone of almost a 50 percent growth in population just in the next 15 years. They are looking at a population of 380,000 by 2040. They need to make sure they are allowing for the different housing types that are going to come up. The statistics that they looked at were retirement age. These are the younger population that can typically be categorized as somewhat dependent on the core of the working force. The thing to know with the amendment, this allows for accessory apartments as a conditional use. Accessory apartments are allowed almost anywhere single-family dwellings are allowed as long as the property owner applies for a conditional use permit. She notes that they are looking to remove accessory apartments altogether and replace them with accessory dwelling units which would be allowed as a permitted use. They would not have to apply for a conditional use permit, they would apply for a land-use permit. This is much less exhaustive. She adds that they have taken comments from the Planning Commission during worksession. She goes over the changes made from the last work sessions.

Ms. Aydelotte states that under the General Provisions one accessory dwelling per lot would be allowed. An accessory dwelling unit in addition to the main dwelling. An accessory dwelling unit would be subordinate in size and height to the main dwelling that it would appear similar in size and style or would appear as a historical or an agricultural building. Under this provision, short term rentals will not be allowed. The owner must occupy either the main dwelling or the accessory dwelling unit. These applications would need to go through the appropriate review agencies. Specifically water and sewer. She notes that they would require an approval letter from each of those stating that the existing infrastructure has the capacity for an additional dwelling unit that they would allow for some additional infrastructure to be able to accommodate that.

Ms. Aydelotte gives an overview of some of the other changes made from previous meetings. She notes that if an accessory dwelling unit is rented, a business license is required. The Code Enforcement Officer Iris Hennon will be very involved in the process. The business license will be issued after all other approvals for the dwelling unit has been granted.

Ms. Aydelotte asks if there are any questions for her.

Commissioner Wichern states that she had some concerns about 108-19-4(B). She notes that she wants to have restrictions but she does not want to have too many restrictions. She states that there is a possibility that a barn out west could be used as an accessory dwelling unit the barn may be in front of a house or to the side. She states that she is nervous about the height requirements for lots greater than 20,000 sq. ft. In Uintah Highland, some very large lots could have accessory dwelling units that exceeded 1500 sq. ft. without causing an eyesore. That could exceed the height of 25 ft. without looking out of place. She states that this is her main concern. If they expand the limitations when they get above 20,000 sq. ft. because there will probably be more options for larger lots. Ms. Aydelotte states there was a scenario discussed possibly grandfathering some of the buildings. Mr. Ewert states that it was



a stopgap. They wanted to put this in place and if they find that there were a lot of people going in with an existing building then might be able to go in and stitch up the code a little differently at that time. Looking at 108-19-4 (B) (3) “the leader line states that for a lot that has 20,000 sq. ft. or less and has the additional restrictions”. If there is a larger lot anything out West these standards won’t apply because they are supposed to be 1 acre lots. He notes that as Commissioner Wichern stated this is about big lots vs small lots. He asks if they should say anywhere it is less than 20,000 sq. ft. those are the restrictions. They won’t have the 90 percent height restrictions or the 25 percent total lot area. This however does not solve the concern about the 1500 sq. ft. total. Looking at how it is rewritten, previously it was gross floor area and it said 1500 sq. ft. currently it says footprint and essentially as viewed from a birds-eye view. If they could draw a perimeter of the footprint of that building that would be 1500. If there is a basement and a two-story home and the footprint is 1500 sq. ft. this is a substantially sized home in those cases. He asks if this solves the issue. Commissioner Wichern states that it doesn’t. It says that if the ADU’s don’t take up the entire accessory building and if it is just a portion of it the entire building has to meet these criteria. They could just be using the loft of a barn a 1500 sq. ft. footprint barn and this is quite small. She states that in Uintah Highland there are carriage houses that would exceed the 1500 sq. ft. 25 percent of the total lot area might be a better restriction. She states that she is concerned about the 25 ft. and 1500 is more restrictive than what they have comparatively for their lot at the 20,000. Mr. Ewert states that what he is hearing is that there may be some large barns but only a portion of them used for accessory dwelling units. Commissioner Wichern states that this part of the concern. Mr. Ewert states that looking at (B)(1) the intent of the way it is written is not to look at the entire building but to look at the footprint of the accessory dwelling unit only. It was specifically written that way so that they could state what portion of the barn is the accessory dwelling unit and the rest of the barn is used for equipment or animals. He notes that they will only be looking at the portion that has the accessory dwelling unit. It got confusing when applying it to multiple stories. They can draw a perimeter around the exterior of all floors and that is the footprint and not consider the greater building at that point. Commissioner Wichern states that she would like to change the height to 35 ft. it refers to the height of a detached building that houses an accessory dwelling unit. She states that she is concerned about this. There is a restriction for the smaller lots, for the bigger lots she doesn’t want to block people. Me. Ewert states that if they change this to 35ft. in part 2 it would not negate part 3. It could state no greater than 35 ft. in part 2 and on a lot that is 20,000 sq. ft. or less you still can’t be higher than the height of the main dwelling. Commissioner Wichern states that she would also bump the 40 percent up to 50 percent, they are going to have other footprint requirements to meet, and then they don’t have to worry about it unless it is in the basement.

Chair Edwards asks if there are any other comments.

**MOTION:** Commissioner Bell moves to open the public hearing. Commissioner Wichern seconds. Motion carries (7-0).

There are no public comments.

**MOTION:** Commissioner Bell moves to close the public hearing. Commissioner Wichern seconds. Motion carries (7-0).

**MOTION:** Commissioner Bell moves to forward a positive recommendation to the County Commission on ZTA 2020-03 Public Hearing to discuss and take action on a proposal to amend the zoning code to allow for accessory dwelling units in all single-family dwellings as a permitted use. With the added changes concerning section 108-19-4 concerning (B) (1) change the 40 percent to 50 percent and end the sentence after of the gross floor area of the main dwelling. On Part 2 change the 25 to 35. This recommendation is based on the findings that 1. The changes are supported by and are part of the execution of, the 2003 West Central Weber General Plan. 2. The changes are necessary to address the growing need for various housing types in Weber County. 3. The changes will enhance the general health and welfare of County residents. Commissioner McCormick seconds. Motion carries (7-0)

**ZTA 2019-06: A public hearing to consider and take action on ZTA 2019-06, a request to amend the Weber County Land Use Code to create standards for storage units in the commercial zones.**

Charlie Ewert states that as they looked at the change of storage units adding the use in and adding standard for and comparing the differences the zones are almost the same zones in terms of the chapter. The chapter read almost the same way in Western Weber

and the Ogden Valley. When the zones were made for the Ogden Valley they copied and pasted for the C-1 and C-2 zone in Western Weber and filtered out a few of the uses and applied it to the Ogden Valley. Since there have been so many changes to the Ogden Valley's commercial zoning because there have been commercial developments happening in the Ogden Valley and now there are discrepancies between the two chapters if there is a use that is listed in a zone in the Ogden Valley but it is not listed in a zone out West. The code states that if it's not listed it's not allowed. It is strange when there are different nuances of the same use but it is very specifically called out in one portion and not the other. The very specific call-out could lead to some believing it's not allowed if it's not listed in the other section. He states that the code is plenary. His proposal is to take the opportunity and take the CV-1 and the CV-2 zones of the Ogden Valley back into the same chapter as the C-1, C-2 and C-3 zones. If this is not done the possibility of interpretive error because of the discrepancies justifies the reasons to stitch them together. He adds that they can easily make mistakes in interpretations that could easily be appealed if it ran up the appeal chain. He states that his suggestion is to compare apples to apples and make it very clear on the use table what is allowed and where. The subject of the proposed text amendment and a minor subject is outdoor storage. Concerning storage units, the idea is that some village areas have been proposed in the General Plans and they are intended to be pedestrian activity-oriented. When there is development in these areas they are hoping to see big sidewalks with storefronts that are at the street level and parking in the rear. He states that they are quite a bit ahead on their development of those design standards in the Ogden Valley that shows the design standards for the streets. He notes that they are not that far ahead in Western Weber. They will catch up quickly when they start working on the General Plan. If they want to have a pedestrian-oriented experience there is nothing that is going to kill it faster than having a wall of useless space the space is not useful to the pedestrian. It is unlikely that they will have a pedestrian walking to their storage unit and the use itself tended to be a vibrant village. They can however add space in the village for it as long as it is not taking up space that is on the street front, this is space that they want to reserve on the street level retail operation or other commercial operations. The standards push the storage to the second level or the area that is behind the street front or street-oriented commercial space, behind could be in the same building or behind the units that are commercial or it could be in another unit that is behind that building that is on the street front. The concern from the storage unit developer is that this is going to increase the cost of developing storage units. A simple answer to them is that storage units are still allowed without these kinds of standards in the M-1, M-2, and M-3 and the Ogden Valley MV-1 zones. It doesn't eliminate their ability to locate in the area, it just doesn't allow their ability to locate in the village area without the street front standards. The other thing that he is doing is writing a definition of outdoor storage and writing that use in the M-2 and M-3 zones. In the proposal, it states that in the M-2, the M-3 zone is not going to be there that is because in the M-3 zone one of the first things it says that is allowed is anything in the M-2 zone.

**MOTION:** Commissioner Nilson moves to open the public hearing. Commissioner Andreotti seconds. Motion carries (7-0)

There is no public comment.

**MOTION:** Commissioner Andreotti moves to close the public hearing. Commissioner Favero seconds. Motion carries (7-0).

**MOTION:** Commissioner Nilson moves to forward a positive recommendation on the County Commission for file ZTA 2019-06, the addition of development and architectural standards for indoor storage unit facilities and other related clerical edits. 1. Both the West Central Weber General Plan and the Ogden Valley General Plan call for commercial design standards in village areas. 2. The regulations will protect villages from the poor aesthetics that are typical of storage unit facilities, and thereby supporting the potential vitality of village areas. 3. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinances. 4. That the proposal is not detrimental to the health, safety, and welfare of the public. Commissioner McCormick seconds. Motion carries (7-0).

**ZTA 2020-07: A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to add a height limit for weeds and turf grasses.**

Charlie Ewert states that two points are added to this. If there are weeds or non-ornamental grasses they need to be maintained at a level of no greater than six inches. If the Planning Commission wants to go higher or lower this can be discussed. It also places the responsibility of weed and other vegetation control and a public right of way that adjoins a property owner's property. It places the

responsibility on the property owner. When it comes to shoveling snow on a sidewalk and there is vegetation that goes right up to the shoulder all of the vegetation is the responsibility of the landowner.

Commissioner Andreotti asks if the area in Western Weber County between the pavement and the drain ditch will apply. Mr. Ewert states that it will and that is one of the areas that the County Commission was targeting and they want to make it very clear that it is the landowner's responsibility to keep those weeds down. Commissioner Andreotti states that a person from the County comes down once or twice a year and they mows about 3 ft. from and the other 6 ft. can have weeds. He states that he doesn't like the idea of clearing the weeds for the County. He adds that if he has to do it he will but not everyone in Warren has a weed whacker. Private citizens should not be whacking the weeds off of the County's right of way. Director Grover states that this is something that if they choose to leave that portion out of it, it would just stay as it is and it would just be required for the private property. He adds that they want to allow that the weeds be a little higher in the public right of way they can do that also. He states that the standards are not set in stone and the County Commission would like their recommendation on this. What brought this about was that they went out with the County Commissioners and the Noxious Weed Board and there was a concern because of the thistle, phragmites, and the puncture weeds that are spreading rampant throughout the area and some of the farmer are not maintaining it. He notes that most of the farmers are taking care of it. There is an area where they are not being taken care of and the noxious weeds are spreading. Subdivision where they have gotten approval and they are not keeping the weeds down until it is developed. These are big concerns that were seen by the County Leadership when they went out on a site visit. They were asked to visit to reduce the visual impact that these have on the residents. Commissioner Andreotti states that he agrees 100 percent with the private properties because he was there on the weed day and it is embarrassing. He states that he is okay with that and the 6-inch height because if they are going to spray them it is easier to spray them at 6 inches. The only issue he has is having to cut the weeds on the County's right of ways. Mr. Ewert states that the other option is to expand the County's capability to knock the weeds down. This does however have a big cost associated, this is why they are hoping to rely on the adjoining landowners to do it. Commissioner Andreotti states that he like having a nice-looking community, but it is also on the local government, and the local landowners to do some of that but there is a line there. Chair Edwards states that the weeds in the ditches sometimes grow taller than the weeds on the side of the road. The landowner may not have the ability to clear the weeds in the ditches. It should be the County's responsibility. He states that it is a safety concern and there are liability concerns. He states that he does not agree with that section as well. Commissioner McCormick states that there is too much frontage for the people to take care of those weeds and where the storm drains it is almost impossible.

Commissioner Wichern states that speaking from the perspective of someone is not from the agricultural area. She states that they spend a lot of money on the homes in her area and even though it is not her land the County has allowed her to take care of it and present it the way she wants to. She states that the biggest issue is concerning the ditches is safety. She asks if the people in Uintah should have to subsidize someone else responsibility. If there is a concern with safety that needs to be considered. Director Grover states that they could put language in the code that requires the weed height to be maintained right of ways where improvements have been fully installed this means curb water and sidewalk. Where the improvements have not been required, this is typically along with farm areas and agriculture, the County will remain silent. Mr. Ewert states that there is another point in favor of this if they have the weed whacker and they are standing on the edge of pavement some of the roads are narrow enough that the passing vehicles are close enough. There are some serious safety concerns. He states that he can revamp it and bring it back with suggestions for curb water and sidewalk. He asks if they should just do curb and gutter. All Planning Commissioner agree that they support this.

Commissioner Bell states that he likes the change but he has a concern because of the number of developments that have been deferred with curb and gutter. It should still apply to them. He asks if there is anything else that they can add. If they don't have curb and gutter they are still responsible. He adds that he does feel that it is ridiculous to have the farmers on the edge of 12<sup>th</sup> St., it is not reasonable. Chair Edwards agrees and states that most people are going to do what they can in front of their homes to get the weeds down. He adds that the problem is in the agricultural fields that have big drain ditches. In areas such as 1800 S and 3300 S there, this is the shoulder of the road and there might be a foot or more weeds and then there is a drainage ditch. He states that his main concern is maintaining those areas.

Mr. Ewert states that based on the design shred that was done a year and a half ago for the General Plan, the people in the area don't want to see curb and gutter they want to see the Country lifestyle and a part of that is the drainage ditch. There might not be someone to maintain the ditch areas if they don't require the curb gutter and sidewalk unless a regulation gets adopted that says someone has to maintain that. Commissioner Bell states there are a lot of places in the area that don't have curb gutter and sidewalk but are still very residential, there is no reason they should be held accountable for the weed control.

Director Grover states that they may want to put language in the code that states that in areas where there are right of ways that have been fully improved or they have issued deferral agreements, they are required to maintain their weeds but in all the other area, the County will remain silent, this way the farmers are protected. Mr. Ewert agrees and states that will have to see how it applies they move to a standard. They might need to modify it at that point.

**MOTION:** Commissioner Andreotti moves to open the public hearing. Commissioner Favero seconds. Motion carries (7-0).

Chair Edwards asks if there are any comments from the public. There is no public comment.

**MOTION:** Commissioner Nilson moves to close the public hearing. Commissioner Andreotti seconds. Motion carries (7-0).

**MOTION:** Commissioner Nilson moves to forwards a positive recommendation to the County Commission for file ZTA 2020-07, the addition of a weed height regulation, based on the following standards: Staff Report to the Western Weber and Ogden Valley Planning Commission Weber County Planning Division Planning Commission Staff Report -- Weed Height Regulation Ordinance Page 1 of 4 1. Both the West Central Weber General Plan and the Ogden Valley General Plan support a community that is aesthetically pleasant. 2. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinance. 3. That the proposal is not detrimental to the health, safety, and welfare of the public. With the added condition that section 108-7-6 (a) applies to developments with curb and gutter or the County holds a deferral agreement for the development. Commissioner McCormick seconds. Motion carries (7-0).

**ZTA 2020-04: Consideration and action on a request to amend Weber County Code to enable development along substandard streets under specific conditions.**

Mr. Ewert states that there was a discussion on this before and it was tabled pending some changes to a portion of what was in the proposal that pertained to public utility easements specifically to address drainage and tailwater on agricultural property. He notes that this change is still ongoing. Mr. Ewert apologizes to Commissioner Andreotti and Commissioner Favero because they have been invited to join a small committee with some guys from the Roads Department and the Engineering Department to get together and discuss these issues from the agricultural perspective. He has not been able to get everyone's schedule together. It should not need more than a couple of meetings to make sure everyone is on the same page on how public utility easements and drainage can and will work. The County Commission wanted to address the substandard roads. He states that he decided to add the public utility easement modifications into the proposal because he thought it was a fairly simple thing. He states that now that they have seen that it is not simple he would like to separate them. The County Commission wants to find a way to allow development to occur on a substandard road and make sure that the safety factors for that road are being accommodated.

Commissioner Nilson states they have already heard of all the growth the County is going to receive, and it is going to happen on that type of road. It is a double-edged sword. Having been a developer improve half of a mile of road to get to the property, is unlikely. This would dead-end development. He asks who could afford to do it unless they bought their property for a small amount of money. He notes that Mr. Ewert has tied it together really well that it has to be the responsibility of the developer at some point but not to do it all.

Commissioner Bell states that he has a bit of a concern a lot of the substandard roads could exist at the end of the roads and they could start seeing developments and they are not going to be small developments. Part of the concern is that they are going to out

the burden of doing those homes on one or two landowners to make sure that a hundred homes can go in. He states that the way forwards and what has been discussed is helpful and he is not sure of the solution. He states that a hundred homes going in should pay for the improvement in front of the two existing landowners. Mr. Ewert states that there is more to it. He states that what they are asking the developer to do is to improve the unsafe parts of the road. It would be on the developer. They would also be asking them to contract every resulting landowner inside his subdivision to not file protests if the County comes in and tries to create a special assessment area. By virtue of buying the property, they are agreeing to a special assessment area when the County decides to apply it for the purpose of applying the road. He states that Commissioner Bell is asking about the people who live on that road already and asking if they are going to be brought into the special assessment area. The answer to this question is that it depends, every road is going to be a unique situation. It depends on what is missing and where it is missing, and long term factors of safety as development continue, but this is why in the last paragraph, there is a section on roughly proportionate. The developer needs to contract for a deferral agreement that is roughly proportionate or improvements into the existing street system that is roughly proportionate to their impact. In determining rough proportionality they need to look at questions of minimal lot width of the applicable zone, actual lot width, and average daily distance traveled. The use of a lot. The weight of a typical vehicle is related to the use. This also includes daily trips. The total number of daily trips. The longevity of the current ownership. The longevity of existing development or uses as they relate to historical property taxes made and any other consideration deemed necessary. He adds that this will only apply to the developer. It is written in a way that is meant to explain what rough proportionality is supposed to be. If the County Commission did create a special improvement district, to pay for improvements on that roadway. There is increasing traffic over time. The County Commission would have to determine who is in the special assessment area or the special improvement district. He notes that an important factor in helping with the determination is how long the homes have been there and what came first, at what point the improvements were added. Commissioner Bell asks if there is a way to make it so that owners who have been there a long time and have already paid for their impacts never have to be included in the deferral agreement. Mr. Ewert states that those landowners outside of the new development that was required to sign the agreement, will have full rights and responsibility if it is their choice to protest the creation of a special assessment area as it relates to their property. They could protest as it relates to anyone's property but especially theirs. They all have the right to go to the County Commission and advocate as to why they shouldn't be included at that time.

Commissioner Wichern states that she has some concerns. She states that she is not comfortable with this adjustment to the code. Although it might be prohibited for developers to develop land that is too far out because of the restrictions, she feels that it is best to let the roads grow organically, so that there will be a balance between the cost of the land and the cost of the improvements to get to the land manage the growth so that they are not growing so far out that they are putting a burden on the County and the school system, and public services. Weber County has to service them and the farther out they are the more expensive it becomes. She states that her other concern is that once a problem with road systems has been established it is years before the problem gets addressed. In this situation, the benefits may not outweigh the cost. The County and its residents will be paying more for the street than the developer would have at the beginning. It would be better to keep it the way it is and have the developer decide from the beginning if the land is a good purchase. She states that if the tax base cannot support the growth she cannot see this as advantageous. Mr. Ewert states he appreciates Commissioner Wichern's understanding and context on the sprawl.

Commissioner McCormick asks what will happen if there is leapfrogging and some areas get developed nicely and other portions are not. What is going to happen when the roads in the area are 20 to 30 ft. wide and the requirement is 36 ft. is the County going to use eminent domain. If so this is not what eminent domain was set up for, to help a developer. Mr. Ewert states that there will be occasions concerning leapfrogging where some areas will be developed and other spots where it will just look like a sea of asphalt because it was built to full improvements anticipating future growth. The County will have to assess the risk of the spots that are not built to full improvements. Commissioner McCormick asks if this would be done through eminent domain. Mr. Ewert states that it would if they needed to, as they did on 3500 W when that was expanded. For most people, they had to buy between 7 and 10 ft. of their front yards. He notes that for the most part, they stayed out of the eminent domain on 3500. Commissioner McCormick states that they should look at what could happen, it should be based on the health welfare, and safety of the County. He states that he does not see how that applies.

Mr. Ewert states that the Planning Commissioners can move forward with a negative recommendation concerning this item for the reasons mentioned. He notes that he could rewrite part H. and not have any subparagraphs. They could recommend denial of the

proposal and recommend approval of just what they see. Commissioner McCormick asks what the suggested size of the road is. Mr. Ewert states that it is a 66 ft. right of way. The County Engineers are leaning towards 36 ft. of asphalt. Commissioner McCormick asks if this is accomplished through eminent domain. Mr. Ewert states that the purpose of the paragraph is for the developer to do it that way. If someone else already owns the property the developer cannot use eminent domain on them. The developer would need to try and convince the County to do that themselves. He notes that he cannot say what would happen, it depends on the politics of the time.

Commissioner Bell states that he is not comfortable letting the cost land on existing landowners in any situation especially if there is an option for eminent domain to help promote development at the cost of a landowner.

Commissioner Wichern states that her other concern is that they may end up with substandard streets for a long time. She states that she doesn't believe that the rate at which Utah is growing is going to outpace any kind of eminent domain or special assessment. Those are very slow-moving organisms and they are setting themselves up for safety issues in waiting to improve those streets.

Commissioner Bell states that he does not like the idea of putting the burden on the existing landowner, but somehow there has to be an updated road without putting an undue burden on the developer.

Chair Edwards suggests that they have a work session with the County Commission to get their input. Mr. Ewert states that this would be a worthwhile thing. Commissioner Nilson agrees and states that this is incredibly important.

Commissioner Wichern states that they could not ask the developer to not put in all the improvements but to acquire the land and make sure that the land is available. The burden of cost, the road improvements, and the public works be acquiring the land if there is a bottleneck somewhere. This might help expedite the road process in the future. She states that they would want to prevent development that would require eminent domain from being used. Mr. Ewert asks what would occur if there were someone unwilling sellers. Would that mean keep the selling price? Or have the price going up more and more. Commissioner Bell states that the landowner has the right to refuse to give up his property. It makes it hard for the developer, but the developer can sell his land for a lot more or sell his development for a lot more if he can make the improvements. If he can't then he is restricted on what he can do with his land. There are some land rights issues that are affected there, he can get held hostage by one landowner. There is no easy way to resolve that. Both of them have a certain right, one should not have to give up their rights to support another.

**MOTION:** Commissioner Bell moves to table item ZTA 2020-04: Consideration and action on a request to amend Weber County Code to enable development along substandard streets under specific conditions. To hold some work sessions with the County Commission. Commissioner McCormick seconds. Motion carries (7-0).

**Remarks from Planning Commissioners:**

Commissioner Andreotti states that he feels bad about being on the Planning Commission tonight. Concerning the Taylor Landing Subdivision, there are two sides, and the Planning Commission tries to make the best decisions they can with the information that they have. Cluster subdivisions were created to save open space. This has created a problem because tonight there was a citizen's name dragged out right in front of everybody and one of the Planning Commissioners. He states that this not mob rule, this is a professional forum whether there are disagreements or not, they should not be taken up in this forum. He states that he feels that they looked like a bunch of fools concerning that issue. He states that they should get rid of the A in the zoning and turn it into an R. the agriculture should move out. It is not worth the cost. He states that it is not right to have mud slung at the Planning Commissioners. There is too much emotion attached to it. It has been the same thing for the last four years. A zoning change would be appropriate.

Commissioner Bell states that he was completely prepared to approve Taylor Landing. The change that was made was too significant. He states that he does not understand why the Fire Marshall would approve it. It is possible that the developer could only get through a few phases and they would up with 60+ homes on a single egress. He states that this was approved tonight and

Approved 12.8.2020

that bothers him. He still feels that it does not meet the cluster code, but the County Commission decided that it did. The change that was made created a safety hazard. His kids play on that road. He might be too close to this issue and the other Planning Commissioners can vote him out if they want the next time it comes up.

Commissioner Bell asks what the County's plan is to move forward with the General Plan. He agrees with Commissioner Andreotti that they need to start putting in R-zones and developing a General Plan that can be maintained and adhered to. What is currently available does not meet what is going on in the area. He states that this is a big issue and it is going to require a lot of public input.

Commissioner Bell notes that the reason that he wanted to move the public comment to the beginning of the meeting was that he has received feedback from the public that they feel that they can't attend the meetings or that it is not worth their time. He states that he wants to find a way to allow for more public input and maybe move the public hearings closer to the front so that people present for public hearings can participate instead of waiting until 8:30 at night to be heard. He states that they should do what they can to solicit more participation from the public.

**Planning Director Report:**

Director Grover states that he appreciates Commissioner Bell's comments about moving the public comments section forward, this is something that they can look at.

Director Grover states that they are very concerned about preserving the Planning Commissioner's good names. Before the meeting, they knew that there were two individuals that there might be some concerns about, because of what happened at some previous meetings. The Attorney's office reached out to Commissioner Bell and spoke to him about a conflict of interest. He reached out to Commissioner Favero and spoke to him. This was already brought up in a previous meeting and it was already determined that there was no conflict of interest which is why this was not brought up. Concerning Commissioner Bell it was left up to his discretion on whether he should bring it up, which he did. He states that they always want to preserve their good names and if they see things that could be a conflict of interest they will reach out to the administration. He states that they are very concerned about preserving their good name and the integrity of the Planning Commission.

Director Grover states that they serve Weber County and the Election has left Western Weber in Weber County. The County Commissioners have agreed to put out an RFP for the General Plan. For the last 3 years, they have carried over the funds. They have devoted 50,000 dollars. He notes that he is taking 20,000 dollars out of his budget. Staff time will also be devoted to this. He states that they will be working on putting an RFP out together and put out for the General Plan. He adds that they are hoping to have the General Plan started as soon as possible. The County Commissioners are fully behind it. He adds that they will not only be doing Western Weber but Uintah Highlands as well. Both of those areas will be part of this. This will be a six to seven-month process. One of the major concerns is getting public comment during COVID and making sure that everyone's voices are heard. There will be different focus groups and a Planning Commissioner assigned to each of them. There will be members of the County Commission assigned to different items. The various focus groups will come back with the Planning Commission. He states that they are trying to decide how to do it. He adds that they want to move forward with this as soon as possible but they will also have to put a lot of things on hold to accommodate for this. The focus will be wholeheartedly on this.

Commissioner Bell states that there is going to be a lot of work for the Planning Commission. He asks if it would help if they meet more often. Director Grover states that there will be more meetings. They will put together an agenda with timing and it will be presented to the Planning Commission to see what is doable. He states that he has worked on many General Plans but he has never had to deal with COVID and doing it via Zoom. He states that he wants to make sure that it is an open and transparent process. The Planning office takes great pride in being transparent. He states that they will need some collaborations to make sure that when it is presented it is clear and concise. Commissioner Bell asks if they are going to be able to hold in-person meetings if they take extra precautions. Director Grover states that it is an option. One of the things they will be looking at is having larger venues. Mr. Ewert adds they can also take advantage of technology. They could put together video presentations and the PR people to come with some animations. UDOT has published a web map. When they click on an area they can comment. Director Grover states that to a certain extent he likes Zoom because it makes it more accessible, but there is nothing like in person. It is going to be challenging but it might be a better product.

**Remarks from Legal Counsel:** Mr. Wilson thanks Commissioner Bell and those who are wondering about a conflict of interest it is not just limited to a financial interest. There are also apparent conflicts of interest. He adds that the main goal is to make sure that the Planning Commissioners are safe and keeping from being liable. This is why the Attorney's office has determined that transparency is the best way to go through it. Taking a vote does take longer, but it is important to get it out there to make sure that people are aware. He adds that he is happy to discuss this with anyone at any time.

**MOTION:** Commissioner Bell moves to adjourn. Commissioner Wichern Seconds. Motion carries (7-0).

Adjournment: 8:40 PM

Respectfully Submitted,

Marta Borchert