

Minutes for Western Weber Planning Commission meeting of January 12, 2021, held in the Weber County Commissioner 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
Andrew Favero
Wayne Andreotti
Sarah Wichern
Jed McCormick
Bruce Nilson

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

- Pledge of Allegiance
- Roll Call

Chair Edwards states that he has a conflict of interest to declare. He sits on the Special Services Park District Board. He notes that he has discussed this with Matt Wilson. He stated that this is just an apparent conflict of interest because there is no financial gain it is not a direct conflict of interest. He asks Mr. Wilson if he needs to recuse himself from the item or if can call for a vote on whether he can participate. Mr. Wilson states that he can call for a vote.

MOTION: Commissioner Favero moves to allow Commissioner Edwards to participate during item 3.1 CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel. Commissioner McCormick seconds. Motion carries (7-0).

Chair Edwards asks if there are any other conflicts of interest or ex parte communications to declare. There are none.

1. Minutes: December 8, 2020 minutes: Commissioner Nilson moves to approve the minutes for December 8, 2020. Motion carries (7-0). The minutes for December 8, 2020, were approved as presented.

2. Public comments for items not on the agenda: There was none.

3.1 CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel.

Tammy Aydelotte states that this a request that includes 54 lots and the open space is a little over 16 acres. It is in the A-1 zone and it is a little over 40 acres. 16.2 acres of that is proposed to be dedicated as open space which is 46 percent of the gross adjustable acreage. In the PRUD code, it states that up to 50 percent bonus density may be granted, no more than the percentage of open space may be granted. The developer is looking to dedicate 46 percent of the gross adjustable acreage of open space he cannot qualify for more than 46 percent bonus density. The applicant has indicated that their plan to keep the pasture green is to lease and work with the locals to keep the pasture green. They need to condition the soil and bring in water. The applicant has made every attempt to meet the 42 percent bonus density and to meet the requirements, but it is up to the Planning Commission whether it should be granted. Staff recommends approval for this PRUD consisting of 54 residential units and two open space parcels that total a little over 16 acres with conditions stated in the staff report based on the findings that it does conform to the Western Weber General Plan and seems to meet the PRUD code.

Commissioner Bell asks what the emergency road is made out of. Ms. Aydelotte states that it does not state on the landscaping plan, but she will let the applicant address the question. Commissioner Bell states that his main concern is keeping that clean, and available for use during the winter months. Chair Edwards states that in the letter that was provided from January 11th it states that it will be a gravel road. Commissioner Bell asks how they will make sure that the gravel road will be accessible during the winter. Chair Edwards states that this is a good point, if the public will be allowed to use it to access the parking stalls. He has some concerns with the trail comingling with a roadway. Commissioner Bell asks why they can't open it up to be a through road. He adds that it would be more effective to pave it.

Commissioner Wichern states that she has concerns with the gravel road being placed on the PRUD, and who would be in charge of maintaining the road and not keeping the snow off but making sure that it stays dense and can hold the vehicles.

Commissioner Andreotti states that he is more interested in what the Fire District people have to say. He would like to hear from the developer.

Wade Rumsey 7550 S 35 W Idaho Falls, states that concerning the emergency road, he was encouraged to get in touch with David Reed from the Fire District who reviews and approves this. He adds that they reviewed the designs with him early on. He gave specifications that the road would need to hold a 75,000-pound fire truck. This has been confirmed with the engineering firm that they are working with. In terms of making sure that it is clear, this is something that David Reed has mentioned. There has to be a way to make sure that it stays clear. This would be maintained through the HOA for the area. They would make sure that the road is maintained. The HOA funds would cover the park maintenance and some of the trees. They would make sure that the gravel is not rutted out and that it stays in good order. This is a part of the maintenance plan that would be a part of the emergency road. According to the code you have to have secondary access. There are other access points within the subdivision there are no neighboring subdivisions that connect, this is why this consideration was put forward like it is.

Commissioner Wichern asks if the specification were given for the weight of the road and the load capacity for the road, not the maintenance or the snow. Mr. Rumsey states that the Fire Marshall stated that it needs to be clear and make sure that there is nothing that blocks that. In the wintertime, there will need to be snow removal if it builds up with snow. He notes that David Reed was more concerned about the fire hydrants, and this is being addressed.

Commissioner Bell states that based on that discussion there is a weight requirement and a requirement to clear the road. He notes that gravel roads don't plow well. He asks how they propose to keep the road clean. Mr. Rumsey states that it would be plowed and they would need to establish a base of snow or ice. He notes that sometimes that can't be done because there is drifting, a lot of times when there is just snow and if it is packed. This road would not be used much at all in the wintertime. It is an emergency road and some of it will be used primarily in the summertime primarily. He does not see a lot of wintertime access. He adds that there is a cost involved with either chip sealing or putting asphalt down.

Commissioner Wichern states that from her perspective it seems quite essential to put asphalt down. If it is an emergency road it needs to be accessible for emergencies. She adds that an ice-packed road for a fire truck concerns her. Mr. Rumsey states that it is possible. He states that he will get with David Reed ask if that is what they require. If it is something that required they can do that.

Commissioner Bell states that he appreciates their willingness to consider this and that they put emergency access considering the neighboring parcels it may be a significant amount of time before there are any connecting roads and on the West, there is an agricultural preservation lot and on the South, there is a horse area and that owner has made it clear that he does not plan to develop at all.

Mr. Rumsey states that at the last meeting it was recommended to meet with the Parks District and he was able to attend the meeting. He notes that they offered the donation and not just the element with the walking path, but the entire part, but it looked like the cost would be prohibitive in terms of the discussion of infrastructure because of this they decided to move forward with the element of the PRUD and development code and providing the amenities with the trails and the park. Concerning the trees, concerning letter A in that section the street lighting and the trees along the roadway. There is also a preservation plan for the pasture area. He states that these are the elements that they are offering to obtain the bonus density.

Commissioner Bell states that he did have a concern about the basements. He asks if engineering has weighed in on this. Based on the notes it seems that they do not want basements, but they do allow for split levels. He asks how far they are allowed to go into the ground for split levels. Mr. Rumsey states that they are not allowing the basement and he is not sure about the building code but they are indicating that basements are not allowed. It will be a slab on grade type of a building because of the water table.

Commissioner Bell states that the reason he is concerned because of the ground is that he lived nearby and he is constantly pumping water from the basement. He notes that they will want to have Engineering and Building Inspection approval before they allow any basements in that area. He notes that it might not be a big issue because Mr. Rumsey is not allowing them. He asks if this will be in the CCNR's. Mr. Rumsey states that they are. He notes that they have been communicating with a few builders and they were very clear that none of that would happen. He has looked at other homes in the area and they want to be consistent with what is already there. He states that with the soil report it is very clear that they should not have basements.

Commissioner Favero states that he has a bit of a concern about the agriculture area and that is the fencing in the area where the housing is going to be and where it meets the community area. There was some discussion on the standardizing of fences and he is not sure if that was completed. If there is a standard he would like to know what that standard is. He would like to see this addressed.

Ms. Aydelotte states that the applicant has indicated in their open space plan that this agriculture use has been established involving any type of life stock. Fencing will be added and maintained in an agreement with the leasee of the land. Mr. Rumsey states that his understanding was that they have a dedicated rancher to use it and improve it and currently there is barbed wire that surrounds the whole 40 acres and this will need to change. If there are any fencing standards they are going to follow them particularly around the housing. If there is an ordinance or a code they would be glad to follow that.

Director Grover states that they did talk to the County Commissioners about the fence and they wanted to wait until the PRUD ordinance is revised. He states that they discussed no climb wire and having a solid fence in those areas. They want to wait until there is a complete overhaul.

Chair Edwards states no matter what type of agricultural use is next to any residential unit some sort of fencing needs to be established. If it is a hayfield or anything that is going to be farmed there. There needs to be some sort of a barrier regardless of if there are animals or not. Director Grover states that they could include this as a part of the motion. He notes that at this point those specificities are not in the ordinance.

Commissioner McCormick states that if they are going to put wood fencing on the housing it will not work with the livestock, they will rub it down.

Chair Edwards opens the meeting to the public comment.

Roger Heslop from the Western Weber Parks Board, states that he would like the Planning Commissioners to be aware that the applicant did approach them. The applicant went to talk to his partners and when they came back, there had been certain bonus densities had been granted. The applicant asked the parks board to put in all of the amenities that they had been granted bonus density for. He notes that they countered with a counter proposal and they have not heard back from the applicant. He adds that they wanted the Planning Commissioner to know that they are not opposed to working with developers, and they would be glad to work with them, but when bonus density has been granted and they want the Parks District to put the amenities to be put in, the Parks District did not feel that this was their place nor was it an appropriate use of bonus density for this project.

Chair Edwards closes the public comment.

Commissioner Bell states that he would like more clarification on what Mr. Heslop stated. Chair Edwards states that the Parks District was approached with the proposal, the Parks District offered to build a parking lot and some amenities to make it more open to the public, from there the Parks District would take over the maintenance. The Parks District felt that when the developer asked for the improvement of the section of road along 1800 S and put in several of the other amenities that were in the landscaping plan, it was not within the scope of what the Parks Districts should be putting in. Commissioner Bell asks if they develop the land as they have planned and the open space is given to the Parks District, How is it cost-prohibitive? He states that he does not want to put an undue burden on the developer but it doesn't sound like there is any burden that has been placed upon them. Mr. Rumsey states

that when they approached the Parks District they were just looking at the walking trail and it was suggested that they do the other 16 acres and they were not prepared to answer because there were other people involved in the development, it was put forward. What they wanted to do was donate the land as long as they were okay with the infrastructure. He notes that they do not know the specific plan, but it comes down to if it was too much in terms of the infrastructure then they would be okay to continue to move forward with the initial plan. He states that they wanted to make an effort. There is another PRUD code which states that "if the PRUD donates or permanently preserves a site determined to be desirable or necessary to a local park district or other county approved entity, for perpetual location and operation of a public park, cultural, or another recreation facility; up to a 20 percent bonus may be granted." This is what they were exploring since they did not know who was going to pay for the infrastructure. They felt that if they donated land and put the infrastructure in they might as well do D. "If a PRUD provides a common area that offers easily assessable amenities such as trails, parks, or community gardens, that are open for use by the general public, up to 15 percent may be granted." He states that this is what they are trying to pursue and follow.

Chair Edwards asks if there will be a restricted covenant put on the open space ground and this means that it needs to remain open space. He asks if this is correct. Director Grover states that at the subdivision level they would be required to record some type of public easement upon that land and it would be used for public purposes. Chair Edwards asks if the HOA would maintain the space and the people in the 54 lots will pay double because they will be paying a tax to the Parks District and they will pay to maintain the area. He asks if this is correct. Mr. Rumsey states that they will pay an HOA fee that will help maintain the area. He states that they will still own the property and it will be permanently preserved. Commissioner Bell asks if the open space will be owned by the HOA or the developer. Director Grover states that the only way that he is aware that it is open to the general public is to record a public easement at the subdivision level. This is a requirement that is part of D the HOA staying their ownership. The developer would be the HOA until a certain number of the lots are sold. He is responsible for maintaining the open space and once a certain number of homes have been sold, the developer is responsible for approving a Board. The HOA would be privately owned, and the land would be owned by the HOA and the members within the subdivision. Mr. Wilson states that depending on the size of the parcel it can be owned by an individual as well. It would still have a restrictive covenant or a public easement.

Commissioner Wichern states that she likes a well run PRUD. There is a place for these types of developments. She notes that ongoing maintenance is difficult. The homes will not have a basement and with a high HOA would be hard for any development. She states that she is concerned that they might not provide care for the extra common space. She asks if the agricultural area is sold would the money go to the HOA funds that they can use ongoing rather than to the developer. Mr. Rumsey states that they have done some preliminary numbers for the HOA fee and they would like to keep the fee down. He states that they want to make sure that there will be enough funds and that the area is properly maintained. The goal is with 54 lots they are looking at what is a reasonable cost for the maintenance and move forward on that. If the agriculture area is sold he is not sure where the money would go. He states that they have not asked themselves that question. They want to keep that open and preserve the area. They do not have the answer to this question yet. Director Grover states that as a PRUD there is not a provision for that to be sold separately it would have to stand with the HOA. It would have to stay as part of the PRUD development because they were awarded the overall bonus density. He is not aware that there is a mechanism in the code that would allow that. Commissioner Bell asks if it would have to be deeded to the HOA to grant the open space for D. If they chose to do something different they would not qualify for the 15 percent. Mr. Wilson states that under the code it states that it could be owned individually, it does not have to be owned by the HOA, this is under 108-5-6 (2). He notes that this is dependent on the size of the parcel. He does not know the size of the parcel. It doesn't necessarily need to be owned by the HOA for the open space. Commissioner Wichern states that a big reason for not wanting to donate all the open space is to have the agricultural space plus the community garden, as it stands now they can sell the agricultural and the way it is stated and regain money and the developer would get the money. The agricultural area could be sold but it would have to stay agricultural. Mr. Rumsey states that they have no plan to do that, but he understands now that it is a possible scenario. Commissioner Wichern states that if it were to be leased out for agricultural purposes the developer would be paid the leasing fee, it would not go to the HOA. She asks if this is correct. Mr. Rumsey states that he does not have an answer to this question. Mr. Wilson states that he would like to clarify that the only open space that could be owned individually would be agriculture which is not dedicated as a common area. Director Grover states that concerning the financial aspects concerning the PRUD the Planning Commission is not able to look at those things they are to look at the ordinance and how the PRUD meets the code. Commissioner Wichern asks if they can look at the impact of the residents in the community. Can the PRUD subsist in providing the maintenance required for the common space? Mr. Wilson states that the Planning Commission does not look at what the HOA should be able to ensure that the common areas are taken care of. This something that the Planning Commission may not

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consider. This is why the CCNR's are so important because this is how they can establish the board and the board will set the fees as they see fit. Commissioner Wichern states that the state regulates the fees to a certain degree as well. She adds that she just wants it to be sustainable.

Commissioner Bell states that his concern is whether they still qualify for the bonus density. Regardless of who owns it or maintains it as long as it remains permanently in the agricultural preservation they still qualify for the 15 percent bonus density.

Commissioner Favero states that he feels that they have gone beyond the vetting that the Planning Commission should do in this situation. The applicant has met with the Parks Board, comments were made in these regards. An agreement could not be reached, from that point on the need to get back to the business of the Planning Commission which is to see if this matched the intent of the code and they need to move forward. All of the discussion is great but it is beyond the charter of the Planning Commission. He feels that they have given enough information to the applicant if they want to pursue something further, at this point, it is beyond the Planning Commissions realm. He states that they need to look at whether it meets the code or not.

Chair Edwards states that they can add recommendations such as having the emergency access be paved, concerning the maintenance of the trees. He asks the applicant how they plan to keep the open space green. He asks if there will be a secondary water connection there. He asks what the type of grasses are in that landscape plan. He asks will that be spelled out in the landscape plan. He states that he has some concerns about the type of trees that will be planted. Mr. Rumsey states that they currently do not have a plan for the secondary water for the pasture area. He states that they are working with the rancher to develop something, in terms of the trees in speaking to the landscape person they were familiar with the soils in that area. Topsoil will need to be brought in, there is the consideration for when those lots are sold, and the yards will be put in that is when the trees will be put in. the secondary water will be going through the subdivision for the watering of those trees.

Commissioner McCormick asks if they need secondary water in the area. Ms. Aydelotte states that this is not a requirement in the ordinance at this time. Commissioner McCormick states that there will probably not be any water.

Commissioner Wichern states she would like to see the fence, basement, and the road are the conditions that she would like to see in the motion.

MOTION: Commissioner Wichern moves to approve CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel. This recommendation is based on the following conditions: The following setback standard shall be added to the final subdivision plats for review and approval: Front – 20', side – 6', rear – 20', corner lot with a side facing a street – 15'. 2. Street light design shall be approved by Planning Department prior to issuance of a conditional use permit. 3. Sidewalk, curb, and gutter will be installed along the applicant's frontage of 1800 South as well as along the roads within the subdivision and is based on the following findings: 1. the proposed PRUD conforms to the West Central Weber County General Plan. 2. The PRUD is intended to allow for more flexibility of residential building sites. 3. The building uses, locations, lot area, width, yard, height, and coverage regulations proposed are acceptable as shown on the conceptual drawings. With the added recommendation of an asphalt emergency road, fencing will be required when adjacent to residential lots, and that the CCNR's include a restriction against basements. Commissioner McCormick seconds. Motion carries (7-0)

3.2 ZTA 2020-05: Discussion and action on a recommendation to the Weber County Commission regarding potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals.

Director Grover states in the last meeting the Planning Commissioners asked staff to look at amended language for the short term rentals. He notes that they have held a public hearing on this item, but the Planning Commissioners may choose to take public comments.

Scott Perkes states that staff was asked to look into alternative scenarios for potentially allowing short term rentals in the Western Weber area in a way that it would not step on the toes of the ADU ordinance that was recently adopted in December. He notes that as they went back to research what other communities were doing, affordability and availability of housing units has been a topic of discussion in each of these communities they have employed some tactics to address affordability and the availability of housing stock. The biggest ones where as follows the capping of the number of licenses and this has been discussed and has been named the

Open/Limited Scenario, STRs would be allowed in more areas but there would be a cap on the number of licenses issued, they would be limited to the geographic areas or the number of licenses in a particular geographic area. This is a strategy that communities have used to try and address the availability of short term rentals and their ability to overrun housing stock options. The second is one is the owner-occupied short term rentals. As an overview of a short term rental that is owner-occupied looks like as far as availability of affordable housing and not stepping on ADUs, it ensures that there are no vacant housing units within the housing stock. The owner is occupying it as a primary residence and they are not soaking up housing stock with second homes and investment homes where they could be used by full-time residents. It disincentives the second homes because they do have to live in it to qualify for a short term rental. It prevents enterprises and commercial businesses from coming up and buying the housing stock or developing a bunch of vacant lots with the intent of converting them into short-term rentals units. It also has been proven to increase the mitigation of potential negative impacts of short term rentals. If there is an owner on-site they are more likely to keep an eye on it at a closer level. The biggest thing from an affordability perspective is that the owner would be present and on-site. They are using it as a primary dwelling and they are not living in a second dwelling somewhere else and having an investment property. Owner-occupied is an option for allowing short term rentals but attempting to keep them from creating vacant units.

Mr. Perkes states that a lot of communities to address affordability have enacted policies that would aim to reinvest any income made with short-term rentals taxes tax income and fees they are then reinvested into the community for community development it could be used to develop moderate to low income housing. A lot of communities have prioritized their budget to put back into the community for affordable housing, this is something that the Commission can look into and how to utilize the funds once there is an idea of what the potential income could be.

Commissioner Bell asks if this would encourage the use of ADUs. It seems that the ADUs would be a highly sought after property because they could use them as STRs while they are living in the main dwelling. He asks if this is part of the purpose of this. Mr. Perkes states that and ADU is a long term rental and can be a detached dwelling unit any tenant would need to sign a long term lease. If they were to license the property as a short term rental, they would have to be present and onsite. They would not be able to have an ADU. Owner occupancy is the biggest consideration where the owner is present and there are no additional dwellings built in the back yard for the purpose of the short term rentals. The only way they can have a second dwelling is either detached or in the back yard if it is going to be licensed as a long term accessory dwelling unit.

Mr. Perkes states that short term rentals will always vie for affordability if short term rentals are present in the community, they are not artificially inflating the units that are required to house the same population. Every property would be occupied by a resident, rather than a resident buying a second property to rent out short term and live full term in the other.

Director Grover asks Mr. Perkes to explain how the building code has different requirements for ADUs vs. STRs. The STRs pick up more of a commercial regulation that has different requirements. Mr. Perkes states that they have been talking to the Building Official for the last couple of weeks as they have been ramping up to accept applications for accessory dwelling units. There is different code requirements between a short term rental and a long term rental. The short term rentals have transient tenants there is more stringent building code requirements that would have to be adhered to. There is quite a bit of cost associated with converting a portion of the home into a short term rental as opposed to an accessory dwelling unit. There is a requirement that if they are going to go through the licensing for either and ADU or an STR that they need to get the approval of the building official. There is fire separation standards and other building code requirements boost the cost of STRs as opposed ADUs. There is a bit of an incentive to go with an STR versus an ADU. He notes that there are still going through what the Building Official will be reviewing. Under each licensing requirement whether it's an ADU or STR they need to get the Building Officials signature to move forward with either type of license. During last month's meeting Commissioner Wichern wanted to see something with a regulation scenario that would not close the door entirely too short term rentals out West and leave open availability but there was concern with ADUs and other Commissioners had voiced their concerns as well. He asks if the Open/Owner-Occupied scenario encompasses what they were looking for. Commissioner Wichern states that she likes this it is a great option. She asks if what has already been permitted in Ogden Valley would remain the way it is. Mr. Perkes states that there has been two Planning Commissions weighing in on the topic and the Ogden Valley has made it very clear on what they would like to see from a regulation scenario. This does not mean that Western Weber has to follow the same scenario and make it across the entire County. There can be different scenarios for out West. This is something that the Commissioner may want to see up in the Valley, having owner occupancy. This is an option, but this scenario has been created for Western Weber. If they comfortable making a recommendation this for Western Weber. Staff would

be happy to present that as to the County Commission as what Western Weber wants versus what Ogden Valley wants. Commissioner Wichern states that she really likes it.

Mr. Perkes asks if there are any more questions. He notes that they have met on this topic a few times and would like to get a recommendation if they are ready to do so.

Chair Edwards asks if there are any more comments from the Planning Commission. There are none.

Commissioner Bell asks if they are going to take public comment. Chair Edwards states that they took public comment at the meeting in December. It is not a requirement for this meeting. He adds that if the other Planning Commissioners would like to take public comment they can. Commissioner Bell states that he is fine with not taking public comment he just wanted to make sure that base was covered. Commissioner Favero agrees and states that he does not see a need for public comment.

MOTION: Commissioner Bell states that he would like to forward a positive recommendation for the Open/ Owner- Occupied Scenario in Western Weber County. Commissioner Andreotti seconds. Motion carries (7-0)

WS1: Mel Peterson subdivision

Chair Edwards states that they agreed during to move the work session item up so that Mr. Peterson would not have to wait through the rest of the items on the agenda.

MOTION: Commissioner Bell moves to amend the agenda to move item WS1: Mel Peterson subdivision after item 3.2. Commissioner Wichern Seconds. Motion Carries (7-0)

Mel Peterson states that this is a piece of property owned by Val Sanders. They would like to build some townhouses. After discussing it they agreed on a PRUD and want to add enough units on the front to justify giving the portion in the back to the Parks District. He asks if this is something the Planning Commission might consider. He has taken it to the Parks District. He states that he hasn't heard from them but he hasn't made an official request. He wants to let them think about first before he approaches them.

Director Grover states the Planning Commission is looking at this to see if they feel good about it. He notes that this is not something that is getting a recommendation at this point. They are welcome to make any comments, nothing is being vested. Once they submit a formal application then it will be vested.

Commissioner Edwards states that he likes the idea and the proposal that is coming. He notes that the concern that he has is the public access. He adds that there needs to be a parking lot where it is open to the public so that they can get in there and use the area. They would need a parking area and an access because it is a large area.

Commissioner Favero states that he likes that the idea. There needs to be more accessibility. He is surprised that the owners who are proposing this want to do this in Unincorporated Weber County rather than in West Haven.

Commissioner Nilson asks where the access to the canal would be. Mr. Peterson states that there is an easement that goes all the way through to the West. The easement has been there forever. On the North side is another park that has been dedicated already by West Haven it is in a triangle and it is supposed to be fully developed. The idea with this lot is to add some units and he has asked Val Sanders to donate the remainder for the park. There is not enough units to justify improving the park. It is 13.45 acres, there is really good grass. On the Southwest corner it is a little wet. The grass is full. He has known this piece of land for a long time. It would be a good place for a park. He notes that it would have to be developed as he does not have enough units to justify developing the piece of ground. He states that they want to get a deed for the ground and allow this type of development on the front. The roads are already in. It is in a good location if there is a sentiment that they do want to put in West Haven. This could be a problem because there is an ordinance that if it has more than 16 units they need to ask West Haven if they want it or not. It is right against their park. He adds that he is not sure how that will work out. Val Sanders will not do it if it goes in to West Haven. Commissioner Favero states that it is a swap and there is no improvement to the property. The Parks District would get the property without any improvements. Mr. Peterson states that this is correct. He notes that he could cut the units back put it in the cluster ordinance and retain the piece of land, and put an agricultural easement over the land, but he feels that that the first step for the communities is to

get a park. Some of the good ground is never going to be donated. Commissioner Nilson asks if the County would need to develop and maintain it. He asks if this is something the County has the money and the interest for. Chair Edwards states that it would not be the County it would be the Parks District. He notes that the Mel Peterson did bring the proposal to the Parks District and there is interest on the part of the Parks District. The concern is that if he is getting density but no improvements are going to be made, there is some concern with that.

Commissioner Wichern states that she is not familiar with the area, is there a road that separates the two parks. Mr. Peterson states that there will be. Commissioner Wichern asks if it is possible to create parking along the north end of the park without having to cross the canal. Mr. Peterson states there is parking along the top, there is an easement, he is not sure how wide it is but it would go all the way through to the West. It has been planned that way forever. That road has been fenced out for as long as he can remember. On the north side of the fence is the new park that West Haven is putting in. It is being put in back Castle Creek, they have a lot of lots. Looking at this piece they are getting enough extra units that justifies giving the ground up.

Commissioner Bell states that number 1-14 on the Southern side of the development lot. He asks if they are parking stalls. Mr. Peterson states that those are storage sheds for the tenants. He states that he will go back to the Park District and he can put together a plan. He was against incorporation and he wanted to stay in the County. He adds that it seem that the people want to have their own city someday. There needs to be more roofs and a park.

Commissioner McCormick asks if they didn't get many extra units. Mr. Peterson states that it is four extra units. He notes that there might be some city objection to that many units unless they can offer the land, but they would have to develop it.

Commissioner Bell states he would like more information the requirement to the offer the parcel to West Haven. It would be very appetizing for West Haven, they already have a development on the other side. Mr. Burton states that State code talks about urban development. Whenever urban development exists within a cities annexation area the County has to notify the City, the City can object in writing or they can approve of it in writing. There isn't a requirement for them to ask, but the City needs to be notified. He states that 30 lots can be Urban Development. If it is a commercial project whose cost projection exceed 750,000 dollars. He notes that this is close and they will want a letter from them either way to see if it has been discussed. Commissioner Bell states that he appreciates Mel Peterson's comments and him wanting to put a park in Taylor. They have not had a lot of options for parks. He also understands the Parks District need more incentive than just the land. They have been paying into a Parks District without a park and hopefully there are enough funds to justify developing a park for the residents in the area. The elementary is in the southeast, residents will have a hard time with putting townhouses in that area but maybe if they are given an incentive they could be open to it. There will need to be parking. He adds that he hopes that there will be a park in Taylor.

Mel Peterson states that he will go speak to the Parks District. Mr. Burton notes that if they decide to do a PRUD and if they move forward with the proposal as an application, they would want some correspondence from the Parks District. Mr. Peterson asks how they feel about the proposal. Commissioner Favero states that he likes what has been proposed. It hinges on if the Parks Districts decision. Mr. Peterson states that there is a lot for him to do. He asks if there are any more questions.

Commissioner Bell states that he would like to understand the safety surrounding the canal if it is going to be piped it changes. He ask if it would be fencing. He wants make sure it clear, because it is a safety concern. Mr. Peterson states that it would be fenced. If Hooper Irrigation insists that piping go in there and it might kill the project.

4. Elections: Chair and Vice-Chair for 2021:

Chair Edwards nominates Commissioner Favero for chair for 2021. Commissioner Wichern nominates Commissioner Bell for chair for 2021.

Commissioner Andreotti votes for Commissioner Favero. Commissioner Wichern votes for Commissioner Bell. Commissioner Nilson votes for Commissioner Favero. Commissioner McCormick votes for Commissioner Favero. Chair Edwards votes for Commissioner Favero.

There one votes for Commissioner Bell and four for Commissioner Favero.

Approved 2.9.2021

Commissioner Favero is elected Chair.

Commissioner Favero moves to nominate Commissioner Edwards for Vice Chair for 2021. Commissioner Bell moves to nominate Commissioner Wichern for Vice Chair. He notes that with the General Plan update there will also be an update for the Uintah Highlands, it would be good to have her on board. Commissioner Wichern states she appreciates Commissioner Bell's nomination but she would like to have more experience. She states that Commissioner Edwards has done a great job and feel that he will continue to do a great job, and she feels that she would like more experience before she Chairs or Vice Chairs a meeting. Chair Edwards states that the voice will be heard if the public in each area are willing to attend the meetings. There will be a lot of opportunities to represent for each area. Commissioner Wichern asks to have her name removed from consideration.

MOTION: Commissioner McCormick moves to nominate Bren Edwards for vice chair. Commissioner Andreotti seconds. Motion carries (6-1). Commissioner Bell votes nay.

5. Meeting Schedule: Approval of the 2021 Meeting Schedule: Chair Edwards asks if there has been any changes to the meeting schedule. Director Grover states that they will continue meeting the 2nd Tuesday of every month but there will be a lot more meetings because of the updates with the General Plan.

Chair Edwards asks if there are any comments or questions on the meeting schedule. There are none.

MOTION: Commissioner Andreotti moves to approve the 2021 Schedule. Commissioner Favero seconds. Motion carries (7-0).

6. Approval of the 2021 Planning Commission Rules of Order

Chair Edwards if there any question or concerns. There are none.

MOTION: Commissioner Nilson moves to approve the 2021 Planning Commission Rules of Order. Commissioner Favero seconds. Motion carries (7-0).

7. Training: Open and Public Meetings Act - Matt Wilson

Mr. Wilson reviews the Open and Public Meetings Act with Planning Commissioners. Mr. Wilson asks if there any questions. There are none. He notes that the one change to the Open and public meetings act was that Governor Herbert suspended a lot of the requirements initially when dealing with the pandemic, the legislature has addressed this and added an exception if there is a public meeting there has to be an anchor location. If they decide not have an anchor location the chair would have to make specific findings in the meeting. He adds that there has been more participation via Zoom, it is nice to have that option.

8. Remarks from Planning Commissioners: There was none.

9. Planning Director Report: Director Grover states that he would like to give the Planning Commissioners an update on the status of the General Plan. The RFPs have been submitted and they are being reviewed. They have reached out to them, in one instance the applicant is coming in with some revisions because the price was a bit high. There are some things that have already been done towards the General Plan with some outreach meetings. Staff will also be participating to help out. There might be some bids that come back within a good price range. If not they may have to put out another RFP. Hopefully they will be able to select a consultant and present to the County Commission and get it progressing.

10. Remarks from Legal Counsel: there was none.

Chair Edwards states the he appreciates Commissioner Bell he served as vice chair for 2020 and he did a great job.

MOTION: Commissioner Wichern moved to adjourn the meeting. Commissioner McCormick seconds. Motion carries (7-0)

Adjournment: 7:33 PM

Respectfully Submitted,

Marta Borchert

Approved 2.9.2021