

**Minutes for Western Planning Commission meeting of December 8, 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  
Wayne Andreotti  
Andrew Favero  
Sarah Wichern  
Jed McCormick

**Members Excused:** Greg Bell  
Bruce Nilson

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

- Pledge of Allegiance
- Roll Call

**1. Minutes: November 10, 2020.** Commissioner Wichern states that during the ex parte conversation concerning the Highland Bluff Estates item she believes Commissioner Nilson stated that he had received a notice. She asks that this be clarified in the minutes. Chair Edwards notes that concerning item 3.1 LVH091820 during the motion the vote is wrong, it states the vote was (4-0) this is incorrect the vote was (7-0). Minutes approved with noted corrections.

Chair Edwards asks if there are any ex parte communication or conflicts of interest to declare. Commissioner Favero states that concerning item 3.3 LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3 he had ex parte communications with the applicant. He notes that their conversation was about irrigation and a drainage facility that is installed on the property. He does not have a direct advantage or disadvantage to it. There is no economic conflict. Matt Wilson states that he has a conversation with Commissioner Favero, he does not own any property that is adjacent to this. There is no apparent conflict of interest. He notes that in his opinion there is no conflict of interest, it is ex parte communications. The rules of order require that if Commissioner Favero's decision-making or if his conversation has impaired his ability to be impartial he would have to abstain. This determination is solely up to Commissioner Favero. Chair Edwards states that he would like to weigh in on this. He states that he trusts Commissioner Favero's judgment and he believes that what he is doing is for the best interest of the Planning Commission. He adds that he would like his support and background on this issue. Commissioner Favero states that he would like to participate in this item. He adds that he does not feel that his judgment has been impaired by the conversation that had with the applicant.

**2.1 CUP 2020-19: Consideration and action on a conditional use permit application for Christensen Fabrication Shop, a fabrication shop making parts for the airline, mining, and construction industries**

Chair Edwards asks if there are any concerns regarding this item. There are none.

**MOTION:** Commissioner Wichern moves to approve item CUP 2020-19: Consideration and action on a conditional use permit application for Christensen Fabrication Shop, a fabrication shop making parts for the airline, mining, and construction industries. Commissioner Andreotti seconds. Motion carries (4-0).

Commissioner McCormick was unable to vote due to technical difficulties.

**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 is located just off of 1800 S and 3500 W. This is a 40-acre parcel. Looking at the staff report a couple of adjustments have been made. The original staff reported stated that they were asking for a 50 percent bonus density. When landscaping plans were resubmitted, it looks like it is closer to 42 percent. This is located in the A-1 zone the applicant is looking for 54 residential units with a couple of open space parcels totaling under 17 acres, not including the roads. Some of the considerations in the PRUD code with regards to granting the bonus density. The applicant has submitted a roadway and landscape design that includes street trees. There has been some discussion concerning lighting. There are sidewalks and trails proposed throughout this development. If the Planning Commission feels that it is warranted they can be granted up to 20 percent based on what has been submitted. The easily accessible amenities are the trails parks and the community gardens that will be open to use for the general public. Up to 15 percent bonus density may be granted for this. These are items that have been brought up with the applicant, they have submitted them in their narrative which can be found in the staff report. These are the proposals that they have. There be walking trails and sidewalks throughout for a parcel containing at least 10 but fewer than 20, up to a 15 percent bonus density may be granted. There are two open space parcels within the development. One of them is just over 15 acres the other one is just over an acre. Concerning the last one the applicant is working with County Engineering, one of the requirements from Engineering is that they annex into Central Weber Sewer. They are working on improvement plans for additional sewer infrastructure including a pump station.

Chair Edwards asks if that code specifically states that it is it has to be a sewage facility. The code states that for the development of excess sewage treatment capacity. Ms. Aydelotte states that they can take it to mean anything above and beyond what is required for the development. Chair Edwards asks if it states treatment and not capacity. Ms. Aydelotte states that this correct it is excess sewage treatment capacity. Chair Edwards states that he just wanted the clarification a pump station does not mean treatment.

Ms. Aydelotte states that looking at the layout Engineering has asked that some temporary turn around be put in place where the roads are stubbed. The Fire District wanted to see secondary access to the development, they did not feel that the one was sufficient given the number of units. The applicant has proposed a fire road and easement. There will be a walking trail adjacent to it or on it in addition to the walking trail. The sidewalk will be installed along 1800 S. There will be two accesses. The fire access and the main access. Looking at the open space parcels the applicant has proposed that the majority be used for agriculture proposes and the possibility of leasing it to locals or residents within the subdivision has been discussed. Park and a community garden have been proposed. They are required to have one street tree per every 8 feet. This would require 227 trees throughout the development.

Chair Edwards asks if they are going to be awarded bonus density for placing a sidewalk which is required in any subdivision, Ms. Aydelotte states that this is what is being requested. They are also looking to implement some walking trails. Chair Edwards states that if they are going to grant bonus density for the sidewalks they need to make the sidewalks into paths. They could make them an extra two feet wide to make it more of a path instead of a sidewalk. He notes that he has a concern with the trees. He asks what the guarantee is that the trees will live. He notes that the soil conditions will be very tough to get anything to grow other than sagebrush. What is the guarantee that they stay there to meet the granted 20 percent? He asks how long they will have to stay alive. Concerning the parks, it should be a public park to get the bonus density. He asks if these are going to be public parks, where are the parking lots. Where can people park to access the parks? If there is a bunch of people showing up to go into the open spaces there is only going to be parking on the street. The neighbors are going to be upset because there are no amenities like parking. The walking path and the secondary access for fire should be a paved hard surface and not just a gravel road, especially if it is going to be a walking path. It needs to be a paved material whether it be asphalt or concrete. He notes that the 5 percent bonus density for a sewage treatment facility, if they are proposing to do a sewer lift station, is not treatment. A sewer lift station does not do treatment.

Commissioner Wichern states that Chair Edwards spoke to one of her concerns, and this was the use of gravel walking paths. She states that she is concerned about the usefulness of gravel for walking or running or a stroller. If they are going to be granting bonus density it should be asphalt or a more useful surface. She asks if they are community-owned, HOA, or PRUD open spaces. She asks who is going to be responsible for maintaining those areas.

Chair Edwards asks if the applicant is present, so that can address the questions.

Wade Rumsey 7550 S 35 W Idaho Falls, notes that concerning the walking paths they are just following the code under the PRUD. They are working with emergency services, David Reed has gone through with what they require and this is what they put forth, concerning the road and the maximum weight, it serves as a walking path and emergency services road. He notes that the comment on the sidewalks is part of the code, but it could also provide some bonus density through providing that. If there are any enhancements or alterations that need to be made he is happy to look at that. Concerning the question of the trees and keeping them alive. The owner of the lot will assist with keeping the trees alive. There will be secondary water that will be provided through the subdivision. There will be an opportunity to be able to incorporate a plan to keep the trees watered. Concerning the soil, there will be soil brought through construction and things like that. These issues will be addressed. The trees will be planted in good soil. The soil can be brought in. There is going to be a strip between the road and the sidewalk this area allows putting in good soil for the trees to be planted. As Ms. Aydelotte mentioned there are so many trees per certain number of feet, and they are just following the development code to make sure that requirement is satisfied. Concerning the public park, there is a park within the subdivision that is a real advantage to the homeowners to have some extra space for the kids and the pets. It will provide a good safe area for them. Part of the PRUD is having the 50 percent, it will be more of a pasture and could be managed by a local farmer that can utilize that. Within the walking path area, there would be an HOA and some type of organization to maintain those things, and perhaps mowing the lawn. Those items will be organized, as it gets developed. Concerning the sewer lift station, there is a tremendous investment that has to be made by developers. It may not be a treatment, but they are very involved with the neighboring subdivision, spearheading, and working with the County in terms of the approval. He notes that his understanding is that it has gone well. He states that they are a great financial contributor to providing 800 homes with sewage. Whether it is technically within the code, it is mentioned in the PRUD in terms of providing excess sewage, he would like to have further discussion on this. He feels that they are in favor and are contributing financially to the pump station. A lot of the things proposed to go about 50 percent bonus density. He states that they are willing to make this a nice subdivision. Concerning the gravel road, they would not have a gravel road that has jagged rocks. There is an obligation through emergency services to make sure it is clean and in good order. In terms of it being open to the public, the true intention is to provide a walking trail within the subdivision, if there are friends and family that want to go for a walk, this is where it comes in. There is no intention to create a parking lot or that. The intention is to have walking trails that would be accessible for people who live in or are visiting. Chair Edwards states that to get the 15 percent bonus density, the trails parks, and community gardens that are open for use by the general public not just within the subdivision to get the 50 percent bonus density. Ms. Aydelotte states that to be clear the code says trails parks and community gardens. Chair Edwards state that it is for use of the general public. He asks Mr. Rumsey if he has had any discussion with the Parks District. It could be made into more of a public park and they could provide the parking. Mr. Rumsey states that they have not had any discussions with the Parks District. Chair Edwards states that he recommends that he gets in touch with the park's district and he feels that it should be a public park. He notes that it would be maintained by the park district. Director Grover states that the code states for the use of the general public. If they chose to have it be part of the park district, the park district would take over the maintenance. If it is open to the general public as part of the HOA the HOA would maintain it. He states that it can be either or but it has to be open to the general public. As Chair Edwards stated concerning the parking lot the bonus density is up to the Planning Commission to award those and forward it to the County Commission. Commissioner Favero states that he has a question concerning the ordinance. If this becomes part of the park district is it still eligible for the bonus density.

Director Grover states that it would still be eligible for the bonus density but because the code is so vague it would give the Planning Commission discretion to have the applicant with the Parks District and come back with a plan on how it will work. The applicant can donate the land to the Parks District and they would do a certain percentage of the installation and the Park District would take it over and maintain it. The park district may not want it. He notes that it is in the Planning Commission's discretion to decide whether or not that intent has been met. He notes that they have a few options they table the item and ask the applicant to address the items discussed. It can be approved as it is. They can forward a recommendation of denial.

Chair Edwards states that concerning the pump station he wanted some clarification, and a lift station is a part of collections. The code states that it is a treatment facility and there is not part of a treatment facility that comes out of the collection. He notes that he does not see how they can grant an extra 5 percent out of that. To make the subdivision work with the density there has to be a

way to get the sewer out. This is possibly why it is in a separate application, than the one that was approved two months ago with more lots on it. He states that he does not feel that it meets the code for the extra 5 percent.

Commissioner Wichern asks how many residents the sewer lift station will service. Mr. Rumsey states that his understanding is that it will have the capacity to service 800 homes. Commissioner Wichern asks if there is an alternative that would serve the 55 to 60 homes going in. Mr. Rumsey states that for this subdivision to work the lift station will have to go in. Chair Edwards asks if a pioneering agreement will be placed on the lift station. Mr. Rumsey states that he is working with Sierra Homes and they have implemented this, but he does not know the details. Chair Edwards states that that will pay for the excess capacity. Mr. Rumsey states that they are burying a lot of it, but they were in participation with this as well.

Ms. Aydelotte states that she would like to clarify. She has spoken to Chad Meyerhoffer one of the County Engineers and asked him about this particular lift station. He has indicated that three developments are going into this lift station that will increase the capacity by over 600 units. The lift station that is going in has the capacity for up to 800 units the three developments total less than 200. Chair Edwards states that the code talks about sewage treatment, not collection capacity. A lift station is a collection tool.

Commissioner Wichern states that a sewage treatment facility is a serious operation and she is not sure that could be done on-site. She asks if this is an oversight in the code. She asks if they are expecting the developer to put in a treatment station. Director Grover states looking at the literal language of the code it does say treatment. He adds that if the Planning Commission feels that it meets the intent of the code with what the developer is proposing they could award that. If they go the more restrictive way on this the applicant has indicated that there may be other areas where they can pick up points. He notes that only five points are awarded for this, it doesn't seem like very much for an actual treatment facility compared to the number of bonus points they could pick up for open space. It is up to the Planning Commission to make the interpretation and make that as part of the findings. Going literally through the code it says treatment, if they feel that he is meeting the intent based on what is being proposed it could be approved that way as well. Commissioner Wichern states that she has another question on whether it is a community open space or PRUD open space. She states that she feels they get more density because they have access to the open space. If the community is paying for the open space. She states that she likes the way the development is laid out, it could be an asset to the community. If the community requires public land there is a lot of land available out there. If the Parks District requires a park they could approve this on the condition that it first be offered to the Parks District and if they don't want the land then it can be reserved for the PRUD and they would then have to maintain the area.

Igor Maksymiw 1510 Federal Point Dr. states that he is a very experienced developer. They have been doing this for 40 years. This is a unique project in a unique area because of the A-1 zoning. When this development was proposed everything that was done was based on the benefit of the community within the 40 acres. He notes that it was never proposed that the public would be invited. He adds that now that it has been explained that it can be shared and the park district can get involved this is another avenue to be explored. This is not what was originally proposed. Originally what was proposed was that the 54 lots would share the lower one-acre lot for open space and doing gardens for the children and be able to share within their community. Concerning the biggest open space area, there was a couple of reasons behind that. One was to provide the benefit of the open space to the people who bought into the community. Concerning the second road, he has been involved in a few of these developments where the road is designed for emergency vehicles. The reason for the second road once there are over 30 lots, they need secondary access just in case the first road gets blocked off. The number of times that would happen is very rare. The second access was done in conjunction with the fire department and the requirement there is to give access to a vehicle of 58 tons. There is nothing in writing or in the rules that govern how the finish of that road. It has been designed to take a fire truck and give it good access through that area. Normally it is not put in asphalt. If the access road has houses on either side it would be a sealed road. This is not the case. He states that they tried to combine the open road, it won't be used quite that often. He notes that they tried to combine a community running park or a track around that road as well so that people could use it and they could use the footpath around it. As Wade said they could get away with putting finely crushed rock on there and it will not be a detriment. It is a rock that is treated in such a way that it is not going to carry. He adds that they wanted to keep a country sort of environment. The asphalt is more money and it is not necessary. There was nothing in the code that said it had to be finished with a coat of asphalt. He adds that they are listening to what the Planning Commissioners are saying and they are open to making changes, but he also wants the Planning Commissioners to understand their perspective. Concerning the sewage plant, Chair Edwards is right it is not a treatment plant it is better than a treatment plant. It takes the outfall of the sewer and the rid from the property and it funnels into the further sewer which is a lot cleaner. He states

that they won't want to be involved with a treatment plant. The cost of the treatment plant is going to be over nine hundred thousand, their contribution is going to be close to two hundred thousand. The numbers discussed before are correct, there are currently permits for about 200 homes. That station was only going to carry the sewer for all those developments. He notes that they believed having that much money spent was going to get them some bonus density. He adds that there is some flexibility there. The biggest problem with the PRUD thing is understanding and trying to fulfill what the Commissioners will require. He states that they are open to this. They want to obtain the 54 lots if they can and are willing to make any amendments that the Commission requires. They want to make a nice development on the edge of suburbia with a country feel.

Chair Edwards states that he recommends this item be tabled until they can meet with the Parks District and see if they can get it to meet the park requirement and he is aware that the Parks District is looking for a parks area. There might be an opportunity here.

Wade Rumsey asks who they can contact for the Parks District. Chair Edwards states that Kathy Vernew and Roger Heslop are the Chair and the Vice-Chair that handle the Parks District. Planning staff can get them in touch with the right people.

Commissioner McCormick asks if they are giving them extra density in the subdivision for parks and the County pays for it, there is no advantage. Chair Edwards states that if they get in touch with the Parks District and the developer does a certain amount of improvements, and they could give the pasture portion to the Parks District. They could let the Parks District develop the rest. Commissioner McCormick states that he would recommend that it be tabled.

Commissioner Wichern states that if the Parks District does not want the land, she believes that it is important that they allow the developer to move forward, and she feels that they have worked very hard to meet the rules and create something nice for the neighborhood. She adds that she is hesitant she wants to table it but she does not want to hold the applicant up. The community requires housing and they put a lot of effort into this. She is hoping this can move quickly. Chair Edwards states that if it gets tabled it puts the ball in the developer's court to reach out to the Parks District and get in touch with them and get that decision made. There is no reason why they can't be back in front of the Planning Commission at next month's meeting.

**MOTION:** Commissioner McCormick moves to table 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 until the applicant can get in contact with the Parks District. Chair Edwards Seconds. (5-0)

**3.2 CUP2020-16: Consideration and action for a conditional use request for a basement accessory apartment within an existing single-family dwelling located at 2259 S. 3750 W., Ogden.**

Scott Perkes states that the applicant is not present. This is a conditional use permit for an accessory apartment to be located in the basement of a single-family home. At approximately 2259 S 3750 S it is part of the newly approved Summerset Farms phase 1. It is a lot if a little over 1 acre. The applicant has already submitted for a land-use permit and a building permit which were recently approved. They have been working on the home as they go through the process they have been exploring the apartment idea and have decided to submit for a conditional use permit before they finish framing out the basement and finishing that area before they have an accessory apartment. There are few things to look at when looking at this type of accessory apartment in relation to the principal use, the idea is that it should be integrated into the home so that it does not look like an afterthought. Generally speaking, a basement is about integrated as it can be. The home looks like any other, it is a single-family home. The apartment is accessed from a door from the rear through a walkout basement. The living floor area cannot exceed 800 sq. ft. the applicant is proposing to be at 797 sq. ft. It is important to keep in mind that the accessory dwelling unit code is moving forward, it was heard by the County Commission and will likely be adopted soon. The accessory dwelling code could allow a lot more area but as of now they are only proposing under 800 sq. ft. the access is through an external door, it is a walk-out basement. Concerning the amenities, it needs to have separate amenities from the principal house it needs to have its own kitchen and restroom facilities there is a full bathroom and a separate electrical panel and shut off, the code also indicates telephone service. The applicant has stated that they are happy to add a dedicated phone line. Mr. Perkes states that cellphone service might be adequate. Concerning the parking, they have submitted plans, he indicates where the parking has been designated. He points out that what has been outlined is adequate for the use. The applicant submitted a culinary water and sewer provider to have those connections made for that apartment as well. Staff

recommends approval of the conditional use permit without any additional conditions unless the Planning Commission has some that they want to add. There are a few conditions that are a part of the code. The applicant will need to submit an addendum with the current building permit to ensure that the Building department is aware. The principal dwelling and/or the accessory dwelling will need to be occupied by the owner at all times. They cannot rent out both dwellings to separate parties. Before the issuance of the certificate of occupancy the code also requires that the zoning enforcement officer inspects the premises. Once everything is finished they would need to have a quick inspection before the permit is issued. There are a couple of conditions concerning affordability, they would need to renew the permit every two years and they will need to submit a sample lease or a recorder indicating what the rental rate is to calculate if it is part of the affordable housing.

Commissioner Favero asks if the applicant is aware of the pending changes to the ADU code. Mr. Perkes states that he was informed of the pending changes and was asked if he wanted to wait. The applicant indicated that for now, they are okay with what has been laid out using the 800 sq. ft. He also indicated that he may add a couple of bedrooms to the apartment in a future amendment to the conditional use permit once the accessory dwelling unit code is adopted but he is not sure if he wants to do that yet. Right now it is a studio apartment and it is fairly small, it has some good storage and the pantry there are no windows so it cannot be used as a bedroom. It does have a full kitchen a good livable space and a full bathroom. He is aware of the code and this is what he would like to stick to for now. He may submit an amendment to use the provisions in the accessory dwelling code in the future.

Commissioner McCormick asks if it meets all the code requirements. Mr. Perkes states that it does with the conditions listed in the staff report. There are a few things that they will need to work on with the Building department and an inspection and get some information submitted. The design and access and parking all meet the code. Commissioner McCormick states that it seems like they are making duplexes out of all the homes. He notes that he does not object to this, but is this the purpose. Mr. Perkes states that the intent is not to create duplexes. It offers quite a bit of flexibility, they could make their home into an accessory apartment, they could have an accessory dwelling in the back yard, and they could have them above the detached garage. There is a couple of flexible options under the code, but not necessarily duplexes.

**MOTION:** Commissioner Favero moves to approve CUP2020-16: Consideration and action for a conditional use request for a basement accessory apartment within an existing single-family dwelling located at 2259 S. 3750 W., Ogden based on the following additional conditions of approval: 1. The applicant will need to submit an addendum to their open building permit for the single-family home and have it approved through the Building Department. 2. The accessory apartment shall have a separate electric panel with a separate disconnect. 3. Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences. 4. Upon receipt of a conditional use permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. 5. An issued conditional use permit shall be reviewed for renewal every two years. 6. Per Sec. 108-19-5 of the Land Use Code, and prior to the issuance of a certificate of occupancy, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit. Rental agreements shall be reviewed every two years with the CUP renewal in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing. This recommendation is based on the following findings: 1. The proposed use as proposed, will not be detrimental to public health, safety, or welfare. 2. The proposed use, as proposed complies with applicable County ordinances. 3. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner McCormick seconds. Motion carries (5-0)

### **3.3 LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3.**

Steve Burton states that this is a request for final approval of Suncrest Meadows phase 3. This is the third phase of a five-phase development, this phase consist of nine lots. They are right between 2550 and 4700. The nine lots meet the requirements of the A-1 zone which is 40,000 sq. ft. there is a 150 ft. of frontage. As part of the primary staff received all the water and sewer letters that were needed. Typically before a plat will record although it is not required they will receive a final approval letter from the water and sewer company. In this case, staff is recommending approval because it meets all of the codes. Concerning the other reviewing agencies, somethings are being worked out with the subdivision plat concerning the surveyor's offices. The County Engineer has stated that this item can move forward for final approval with the Planning Commission. Before it can go to the County Commission,

they are going to have to have an improvement guarantee. The improvements will need to be installed before this phase and this is something that will be taken to the County Commission.

Chair Edwards states that he wants to make sure that they are meeting the state requirement for the onsite retention of the stormwater for the 100-year storm. Looking at this plat he cannot see how it ties to the detention basin or the drainage.

Carson Jones 1106 W 4050 N states, that he is the applicant for this project, and there are going on to the 3<sup>rd</sup> phase of a 5 phase project that was previously approved in 2017. There are a lot of drainage issues that were discussed that he would like to address.

Commissioner McCormick states since this is on the 3<sup>rd</sup> phase of the development they would have had to account for all of their water. He notes that it is an unwritten law that once it is on paper the problem needs to get taken care of.

Chair Edwards states that he would like to know if it is going to flow back completely. He doesn't want it to flow down one of the stub roads and tying into the old irrigation ditch that used to be there and not meeting the onsite requirements.

There were some technical issues with Mr. Carson's audio. The Planning Commissioners agreed to put the item on hold until Mr. Carson could reconnect.

**MOTION:** Commissioner Wichern moves to push item 3.3 LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3 to the end of the agenda so that Mr. Carson the applicant can get reconnected. Commissioner Andreotti seconds. Motion carries (5-0)

Mr. Jones was able to reconnect.

Mr. Jones states that concerning the drainage in 2017 they got approval on Suncrest Meadow's five-phase subdivision. They did have a detention basin included which was about 90,000 cubic feet of the capacity of a storm drain retention. He notes that borders Commissioners Faveros families land on about half of the subdivision. All of the detention and storm drain water is directly due West to the basin. The basin is designed to hold all of the water that historically goes in that direction. The stormwater is detained and is controlled according to state statute.

Commissioner Favero states that looking at the south edge there is a pipeline in place that provides a dual purpose. It provides irrigation water and from April until October and drainage year-round. The concern is that water that is owned by other property owners will be going down a pipeline that is within the Suncrest Subdivision but at the very edge on the inside of the fence. That facility where it is dual purpose should be considered two separate entities one for drainage and one for irrigation. If there is a catastrophic storm, and this can happen any time of year or a mass amount of flooding, during irrigation there is going to be a lot of water that is going to be accounted for. The Southern and Western part of that subdivision is going to be vulnerable to that situation. Mr. Jones states that Favero farms and Suncrest Meadows have come to an agreement that it will serve as a dual purpose pipe originally this was just an irrigation line for the Western Properties over the years and since the irrigation season ended there is still a lot of water that goes through that pipe. Favero farms and Suncrest Meadows has agreed to reroute some piping so that the irrigation can still function on the West Side of Suncrest Meadows and they can still collect any water that drains from other properties. This is not necessarily water that is draining from Suncrest Meadows. It is water that is historically draining down that line. There is a preliminary agreement in place that Suncrest Meadows will reroute in conjunction with Favero Farms. The irrigation will happen separately but the drainage down that line will continue its historical course and flow out through the slew to the West. This is all groundwater, it is not stormwater. Stormwater is handled in the basin. Commissioner Favero adds that it does flow year-round. Several wells might be taped into that and several other field drainages this is why it flows pretty much year-round. It does also capture surface water on other properties.

**MOTION:** Commissioner Wichern moves to approve LVS102220: Consideration and action on final approval of Suncrest Meadows Subdivision phase 3. This recommendation for approval is subject to all review agency requirements and based on the following conditions: 1. A guarantee of Improvements will be required as outlined in LUC § 106-4-3. This recommendation is based on the Approved 1.12.2021

following findings: 1. The proposed subdivision conforms to the Western Weber General Plan. 2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances. Commissioner Andreotti seconds. Motion carries (5-0).

**4.1 ZTA2020-05: 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.**

Scott Perkes states that there was some discussion concerning the potential regulation scenarios in November. There were quite a few respondents that were in favor of short term rentals. He states that there has not been much of a change since the last discussion. He adds that they are keeping track of the comments and they are available as a public record on Frontier. The draft ordinance is also on Frontier. He states that there has been discussion concerning the 5 different regulatory scenarios which are Open, Open and Limited, Business, as Usual, Proof of Concept, and Closed. Currently, they are called nightly rentals and this will change, they will be called short term rentals. The Ogden Valley forwarded a positive recommendation for the Proof of Concept. The language for this unchanged, a 3<sup>rd</sup> party enforcement could be utilized to augment the County Enforcement efforts. They would only be allowed as a permitted or conditional use in a specific zone as part of planned residential unit development. Under this code, there would not be any zones that allow short term rental aside from any PRUD subdivisions if they were to request short term rentals. This is the only way short term rentals would be allowed in Western Weber. The scenario would be subject to the requirements and operational standards.

Commissioner Wichern states that if this is a recommendation and the County Commission approves this there will not be any short term rentals in Western Weber. This could help preserve the ADU's which is good but to completely block it. She notes that this recommendation might not be heeded by the County Commissioners. She likes the proof of concept scenario but thinking about all the different scenarios through, if outside of those approved areas allow nightly rentals for only 7 days, this would be complete with the ADU's and give an option to the County Commissioners, where they are not completely prohibiting them but making the STR's competitive with the ADUs. She notes that without any recommendation the County Commission might go in a different direction and they might not get anything close to what they want.

Chair Edwards asks going forward with the General Plan update in Western Weber could they create zones that would allow the STRs in Western Weber. Mr. Perkes states that this is a discussion that they can have, they can talk about the area where they would like to see them in the future and where they might be appropriate. They could also recommend an amendment to the short-term rental regulation to allow specific areas out West to be included in the allowed areas. It is an open door with the General Plan about what they want to be in that area and what they want to look at moving forward. Chair Edwards asks concerning the zones, could they zones some of the areas in Western Weber to the areas that allow the STRs through the General Plan amendment would it allow them to have STRs in the area. Would they need a conditional use permit? Mr. Perkes states that it wouldn't necessarily be that way. The General Plan is not a rezoning instrument. It identifies areas for potential future rezoning and it can be noted as an area that could be rezoned in the future for these uses. Under the current scenario for regulations, they would not be using conditional use permits. In an area where they are allowed they would have to go through a licensing requirement, which would be review and approved by staff, in the same way, a land-use permit is reviewed. If they had to take it to the Planning Commission for a conditional use permit it would be an overwhelming workload. Under the current scenario, they would not require a conditional use permit. He notes that there is one zone where it is required as a conditional use that is the Forest Valley 3 zone. Everywhere else they would just need to submit for a license.

Commissioner Favero states that he likes the proof of concept but it is not ok with it being so limited for Western Weber. He asks if they could be approved as a zone overlay if they have several applicants in the same zone that want to go forward with something like this. Mr. Perkes states that there are a lot of communities that have used overlay zoning to indicate where Short Term Rentals could be allowed. He notes that the staff has not gone through this as the desired approach. He notes that they have stuck with the existing zones in the proof of concept scenario. Looking at the open and limited scenario it would be open as an allowed use in the residential zones, but it would be limited, there would have to be a buffer between each permitted short-term rental property. It is first come first serve. If a license is obtained anyone within a buffer of the property would not be able to obtain a license. There was a concern with the congregating near each other. This is one approach.



Commissioner Wichern states she does not like the open and limited scenario where people are picking and choosing. She states that she does not feel that it is fair if one resident gets a license and their neighbor can't. Concerning the clustering, it is different in Western Weber County than in the Ogden Valley because they have different recreational areas to cluster around. In Western Weber County it would be more random. She states that she would propose to keep it competitive so they have a choice they can have an ADU or an STR. She notes that they can require the STRs to be 7 days outside of the zones, to meet the requirement of limiting how many people would do this and making it competitive with the ADUs. The open and limited is very complicated and is going to be hard to enforce. The people who buy the homes will be confused about where they can have them and where they can't. Mr. Perkes states that the open and limited is the most complex as far as the code is concerned. It would be hard to track with the buffering and the first come first serve and making sure it complies. It sounds like Commissioner Wichern might be more open to an open scenario with some limitations. It would be allowed out West in residential areas but there would be a 7-day minimum. Those who are currently operating have not found Western Weber to be a hot market. If they want the opportunity an open scenario fit with some specific limitations. Commissioner McCormick states that the open scenario fits Western Weber more.

Mr. Perkes states that staff is not opposed to having one scenario in the Ogden Valley and another in Western Weber.

Commissioner Wichern states that there have been some concerns with the short term rentals, but the concerns for her more about the lack of regulation. If they are banned completely it will be harder to regulate. Regulation is the biggest key. She notes that her other big concern is making it competitive with the ADU's. if they do have both options they won't want to make the short-term rentals so lucrative that it doesn't allow for ADUs. She states that if they add the seven-day regulation might make it less lucrative.

Commissioner Favero states that he had a neighbor that was doing the STR without any permits they had it rented out to capacity all the time. There is interest to stay in Western Weber.

Commissioner Andreotti states that he has used STRs and he likes them better than hotels. He doesn't know how big of competition with the ADUs. If they have short term rental and they have to clean it out every three to four days they are going to look for someone to rent it full time. The bigger use is the ADUs and the only thing is that affordable housing may be hanging on that. There are still people that want to buy that want to live in a nice subdivision. ADUs are just one leg of the stool for affordable housing. He likes the ADUs as one part of the affordable housing. STRs are needed but he is not sure about the seven days or the 30 days.

Commissioner Favero states that what is driving the need for the ADUs is that in Western Weber County is that they are looking at lots that are pushing 180,000 and another 500,000 to 600,000 dollar houses on top of that. The economics of that are going to drive the ADUs just for affordability. The STRs are good income subsidies as well. They are probably more lucrative than the ADUs. The question is how do STRs fit into the zones.

Commissioner Favero states that if this is the direction they want to go concerning this issue he would recommend that they have at least one more meeting to nail down what to do for Western Weber. He would like to see it as a scenario layout with fresh eyes. He is open to having a different set of regulations as the Ogden Valley.

Commissioner Wichern states that she feels that it has been delineated enough, she would feel comfortable with having the open scenario with the five to seven-day limitation.

Director Grover states that he would like to review another concept. Often short-term rentals require the owner to have lived there for two years more. This way short-term rental companies cannot come to buy homes and rent them out. This can help maintain a sense of neighborhood. Commissioner Wichern states that she likes this idea. She states that they are doing this for the residents and they would likely be doing it because they need to financially. Commissioner Andreotti states that he agrees with this it is all about the citizens. Director Grover states that he agrees this is not meant to be a lucrative venture that will destroy neighborhoods.

**MOTION:** Commissioner Wichern moves to table ZTA2020-05: 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 to allow for more discussion. Commissioner Favero seconds. Motion carries (5-0)

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

Carson Jones states that concerning the Short Term Rentals. He is working a lot with Nordic Valley. Nordic Valley is something that everyone should be touting for what they want as a state and county. He states that he hopes that the County Commission and Planning Commission understand the desire for Weber County. This is a very desirable area right now. He would like the County to embrace what the state calls "Work where you play". This is a fantastic opportunity to grasp what is happening as people realize what Weber County has.

Tom Favero 1295 N 4700 W states there is an irrigation easement that goes through a couple of lots. In lot 23 and lot 24, the pipe comes from the South corner and is out about 75 feet from the West fence and goes all through 2300. He states that he and Mr. Carson are working out a deal, but he wants to make sure it gets done. Mr. Jones states that there is a structure where the water can flow due West from the Southwest corner of lot 23. When the deal goes through that is where it will flow. It will get rid of anything flowing North. Mr. Jones states that this is not a County issue.

**6. Remarks from Planning Commissioners:** there was none.

**7. Planning Director Report:** Director Grover states that concerning the first conditional use permit discussed there may have been some comments that were indicated that they are antigrowth. He notes that he does not want the County to come across antigrowth. The Planning Commission represents Weber County, the code and meeting the intent of the ordinance. He states that they need to be cautious of what is being said that could give the impression of otherwise. He adds that the need to be respectful of the development process. Concerning the Parks District, they were spot on with their comments. It was good to have them go back and look at park options. He adds that they handled the meeting very well. Concerning the short-term rental item, it was handled very well and Staff will come back with some information on this. He thanks the Planning Commission.

**8. Remarks from Legal Counsel:** there was none.

**Adjournment: 7:08 PM**

**Respectfully Submitted,**

**Marta Borchert**