

GEM Committee Minutes – May 4, 2011

1. Attendance: Jim Ormsbee, Richard Sorensen, Richard Webb, Paul Riley, Steve Clarke. Several members were unavailable and expressed regrets.
2. Minutes of the April meeting were approved as written.
3. The May 3rd and April 26th Planning Commission meetings were reviewed:
 - a. The text amendment to the CV-2 zoning ordinance submitted by Dave Holmstrom and Lee Schussman was heard and tabled by the Planning Commission. This seemed a friendly effort to acknowledge the need for more careful consideration of helipad areas and perhaps a broader look at aviation in the Valley. The Planning Commission will consider this topic in their June 7th work meeting. The idea of modifying the use restrictions of the “heli-stop” permitted in the Resort Zone ordinance was also presented to the Planning Commission.
 - b. The Agri-tourism ordinance draft is gaining steam and becoming better defined. Planning Staff expects to bring it to a public hearing “at the end of the summer”. We expressed concerns about the likelihood of “unintended consequences”. It is clear that **GEM members should study the draft sooner, not later, and get suggestions to Scott Mendoza asap.**
 - c. The County Commission has asked for input from the Planning Commission on the current deferral policy for curb/gutter/sidewalk in the Valley. See the discussion below and attachments to these minutes.
 - d. Scott Mendoza presented to the Planning Commission a report from Solano, CA. on their approach to the issues of TDR. This is a variation of a technique Tim Watkins had presented to GEM several years ago. In Solano the landowners of the area met and agreed on the need for development to occur in particular areas with no development in other areas (essentially defining the sending and receiving areas). The landowners then agreed to a policy (and unspecified implementing formula) that landowners in the “receiving area(s)” would share the proceeds with every landowner. This implementation did not require TDR’s, the County simply provided the desired density. The Planning Commission expressed some enthusiasm for the concept, stopping short of making a recommendation.
 - e. Rob Scott presented an example of high density “village” development in Plymouth, Mass. He seemed enthusiastic about the plan as a possible model for the Valley. I observe his pictures also demonstrate a sign ordinance with would fit very well in the Valley.
4. The Committee worked together to analyze the “Wheatley zone use chart” first page. What we found was redundancy in several uses, many cases where uses could be combined with minor rewording, and one case where the use could be omitted. We agreed to individually continue the exercise and prepare reports for next meeting. (**We invite all to share in this exercise.**)

5. The Committee discussed the Four Options for deferral of curb/gutter/sidewalk below and decided Steve Clarke would **draft modifications of two of the options for review and feedback of the Committee. GEM will develop an official recommendation on this topic.** We judge this issue fundamental to implementing the General Plan. The Planning Commission suggested options are:
- a. **Option 1: Keep the existing agreement in place.** The current deferral agreement is signed by the developer but applies to all future lot owners within the subdivision. The agreement requires the lot owner to install the deferred improvements within 60 days of the County's request, or a lien is placed on the property in favor of Weber County to secure installation of the improvements. However, if the County creates a special improvement district instead of collecting on the individual agreements, the lot owners agree not to protest full participation in the special improvement district. The County has many existing deferral agreements, but the Planning and Engineering Divisions are unaware of the County ever collecting on one of these agreements.
(Staff Comment: While this option is how the County currently handles deferral agreements, there are negative aspects associated with this approach including the following:
 - i. The developer does not bear the burden or cost for installation of the deferred improvements. The cost and responsibility for installation are passed on to the subsequent lot owner, who may not be aware of the agreement.
 - ii. The County Commission has the responsibility of deciding whether or not the deferral agreement is used. This can create a confrontational situation with property owners who are unaware of the agreement and may not be able to afford the cost of installing the improvements.)
 - b. **Option 2: Require participation in a special improvement district only.** One of the options in the existing agreement is for the County to create a special improvement district and require full participation from each lot owner. If the County does not want to be involved with collecting on individual agreements, this option works well. The new agreement would require full participation without protest in a future special improvement district. This option also allows the County to recover the improvement costs without requiring full payment or actual installation of the improvements up front. In addition, the total cost is the true cost at the time of installation, rather than collecting money up front, but falling short due to increased prices when installation actually takes place.
(County Staff comment: However, there are negative aspects of this approach as well. The burden is still placed on the lot owner rather than the developer, the County bears the cost and burden of creating, implementing, and tracking the special improvement district, and creating a special improvement district may not be a popular political decision. In addition, a special improvement district generally requires a large area in order to be feasible and spread the cost sufficiently.)
 - c. **Option 3: Require the developer to pay the full cost of the improvements prior to recording the subdivision.** This method is used by Salt Lake County and other

jurisdictions in the area. The deferral would be granted only if the developer pays the full cost of the improvements to the County prior to recording the subdivision. This option eliminates the need for the special improvement district and collection on individual agreements, but it puts a larger burden on individuals who are creating minor subdivisions, and may not be able to afford the full cost of improvements up front. For example, improvement costs on a one lot subdivision with 150 feet of frontage would typically be about \$7,500.

(Staff Comment: One question that should be asked is whether or not one lot subdivisions that may not need improvements at the present time, should be treated differently than larger subdivisions where improvements are necessary. Another question is how will the County manage the money that is not used immediately?)

- d. **Option 4: Eliminate the option for deferrals.** This option would guarantee the installation of improvements, but connecting the improvements in the future would be an engineering challenge. The Weber School District prefers this option because it provides the best measure of safety for students walking to school.

(Staff comment: For this option the Ogden Valley needs to be addressed separately from Western Weber County. Currently deferral agreements are required for subdivisions in the Ogden Valley because “urban” improvements are not desired in a “rural” setting. If the County does not want curb, gutter, and sidewalk in the Ogden Valley this issue needs to be addressed. Should the Ogden Valley be exempt from deferral agreements? Should a deferral agreement for pathways in Ogden Valley be established?)

- e. **Conclusion:** Attached you will find modified versions of Options 2 and 3 which substitute pathways for the curb, gutter, and sidewalk improvements. **Please comment on these options as well as making any other comments you choose. The goal is to have a GEM position ready for approval in our next meeting.**

- 6. The Huntsville Sewer update was deferred to a later time due to Ron Gleason being unavailable. (Note: The response Ron received subsequent to our meeting from Commissioner Zogmaister will be forwarded to the Committee.)
- 7. The Committee discussed a strategy to become more proactive relative to the long-sought TDR ordinance. We observed that Director Scott feels strongly a TDR receiving area(s) needs to be defined, which would require tweaking of the General Plan. The “fairness” issue also needs to be addressed. GEM’s past position is that “fairness” is best addressed by not defining a receiving area(s). We concluded that we should prepare for a meeting with Planning Staff to see if a plan to address these two issues can be found, which would permit writing an ordinance. We prefer to work with Staff on the plan rather than make an independent submission of a GEM TDR ordinance draft.
- 8. **The next meeting is June 1** at 5 pm at the Huntsville Library.
- 9. The meeting was adjourned at approximately 6:45 pm.