

COMMISSIONERS' MINUTES – DAVIS COUNTY

SPECIAL PUBLIC MEETING MINUTES August 9, 2019

The Board of Davis County Commissioners met for a special public meeting at 11 a.m. on Aug. 9, 2019, in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Appropriate legal notice of this meeting was given.

Present on the dais were: Commissioner Randy B. Elliott, Chair; Commissioner Lorene Miner Kamalu, Vice-Chair; Commissioner Bob J Stevenson; Curtis Koch, Davis County Clerk/Auditor; and Neal Geddes, Chief Civil Deputy County Attorney.

All documents from this meeting are on file in the Davis County Clerk/Auditor's Office. The agenda for this meeting is incorporated into the minutes as item headers.

OPENING

The meeting convened at 11 a.m., and Commissioner Kamalu led the Pledge of Allegiance.

BUSINESS/ ACTION

Presentation of Davis County Community and Economic Development Department recommendations regarding zoning in the unincorporated County

Davis County Community and Economic Development Department Recommendations — *Presented by Jeff Oyler, Davis County Planning Manager*

Jeff Oyler made a presentation introducing two proposed ordinances regarding zoning in unincorporated Davis County. He described, with the aid of a slideshow, events that led Commissioners to approve a temporary moratorium on subdivisions within unincorporated Davis County that has been in place for the past six months. He also shared recommendations from the County's Community and Economic Development Department.
See Attachments B1-B13.

Development pressure is mounting and very high across the County and the Wasatch Front, which caused County officials to want time to look at existing zoning provisions. The decision was made to implement a moratorium for six months to take a look at current conditions and make recommendations for the future. As a result, it was necessary to look at the County's General Plan.

The two proposed land use amendments (ordinances) promote Davis County's General Plan and provide for the health, safety, and welfare of citizens.

The General Plan states that Davis County supports a policy of contiguous cities within the developable lands where all development occurs within municipalities. The County recognizes that the main purpose of municipalities is to provide services and to give people a voice in local affairs. Allowing growth to occur in unincorporated areas of the County defeats both of these purposes and is not in the interest of current or future citizens.

The County is not in the utility business. Unlike cities, Davis County does not own water, sewer, or storm drains systems. Because of growth, the County is being asked to do more and more of those things but is not set up to do so.

The County Commission has taken the position that the County should not provide new urban services in unincorporated areas.

It is believed that the proposed ordinance amendments are in alignment with the General Plan and will encourage development to occur within municipalities in the County that can provide services and proper planning for subdivisions. It is going to reduce Davis County's involvement in development.

The primary point behind recommending 10-acre parcels is that it facilitates redevelopment of those properties once they get into a city. It's much easier for a city to plan and subdivide, and deal with roads and lot layouts and utilities, on larger parcels of property than on smaller ones.

The proposed amendments would eliminate existing A-1 and A-5 zoning, essentially rezoning all A-1 and A-5 properties — except ag (agriculture) protection areas — to a new A-10 zone.

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A-1 is an agricultural zone that allows one unit per one acre of property, and A-5 allows one unit for 5 acres. An A-10 zone has a maximum of one home per 10 acres.

There is a state law that says owners of property currently in ag protection areas must sign off on any zoning change. There are six of them in the unincorporated county, and County personnel will meet with those individuals directly about this. It's asked that they be excepted out of these actions.

The proposed changes will rezone all AE zoning except Mutton Hollow Township. AE is an agricultural estate that allows one unit per half an acre. Mutton Hollow Township is its own planning district and, if they want to take up this issue, can put forward a recommendation to the County Commission. The Commission is the final legislative body on their actions.

There are about 18,000 total acres at issue. Under current zoning, up to 9,500 units could be put on that land which could extrapolate into a population of roughly 30,000 people. Under the new zoning, it would cut the units to 1,800 with about 6,300 people. If all the land were developed under current zoning, the population would be the equivalent of Kaysville City, and that would require the County to be in the utility business, so it wouldn't be prudent to continue down that road.

The proposed ordinances will not change any vested, approved, or existing subdivisions. Anyone who has an approved subdivision lot already on the books can take out permits and build on those lots. It also does not change any vested, approved, or existing lots of record.

The Planning Commission recommends approval of the zoning changes, as requested by staff, subject to the following:

- Written approval should be obtained from each owner of property in existing ag protection areas; staff is in the process of working on that now.
- Properties that are not part of any annexation declaration should be identified. An annexation declaration is a certain point to which a city has stated it is willing to annex, creating a boundary seen as the future area of the city. Staff members are already analyzing the whole county for current annexation declarations. The County can work with cities to make sure most of the unincorporated county falls within those areas. Work can also be done with cities to look at utility issues, and how they can better expand into unincorporated areas in a more efficient manner, and to identify possible problem areas that may not be able to be serviced by a municipality. Two-thirds of this county sits in the middle of the Great Salt Lake, and no one's going to annex that.
- Work should be done to look at possible exceptions to zoning regulations, including discussions with each neighboring city to see how development can best be accommodated with their city and looking at issues when the city cannot accommodate it.
- The Planning Commission wants density to be reanalyzed after a possible Health Department study is done on septic tanks.

Jeff expressed his opinion that there is nothing out of character in the proposal or anything of which the County can't, or shouldn't, be a part.

People get nervous about large-scale changes and want to know how they and their property will be affected. Jeff said he has spoken with many families over the past few weeks and says no one disagrees that the County should stay out of the development business. The concerns expressed were about how the proposal would impact the ability to give their kids a lot on their farm, how it would change property values, and things of that nature. Some individuals expressed a desire to stay in the County because taxes are lower, and many city services are not required. If the County were to change the General Plan and get into the development and utility business, things would be more expensive because those services come at a tremendous cost.

Jeff said he honestly believes the County can best help those property owners by working with cities and helping them annex properties into a city area because that's where their property is the most valuable – inside a municipal boundary where they can be provided the proper services. They can develop higher densities in the city. The County could do the most amount of good for the most amount of people by helping to make that situation occur at a faster pace.

Discussion

Commissioner Kamalu said her questions were answered by Jeff's presentation and observing the previously held Planning Commission meeting. The County has taken this issue very seriously and used the time provided by the moratorium to study, reflect, consider, and receive input. More than 500 people received notices about the Planning Commission's Public Hearing, and there were about 40 or 50 people in attendance. She said it was civil and thanked citizens for coming to learn and ask questions that night. The

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Public Hearing was conducted well. It lasted a long time, from 7 p.m. to 9:30 p.m., due to letting everyone have an opportunity to share. Less than half of the people in the room stood up to give input, but they were there to learn. She said it wasn't easy for them, but the Planning Commission gave great consideration to all of the input and then had their own discussion. She appreciates the process and is grateful for the people who worked on this.

Commissioner Stevenson said it has to be realized that this is a work in progress. The County has to be able to have a variance for some exceptions to be made, for example, so family members could be added onto the property if they're tied into the farming or ranching that may be there. It's imperative that the health study be done to gain understanding for dealing with septic tanks and ground waters that are there. He would like the County, as part of the health study, to start working with the North Davis Sewer District and get a plan laid out for getting a sewer system into that entire area. As homes come in there, even if it's one per 10 acres, getting off of septic and into the sewer system is going to help people in the future – not only as far as their annexation goes, but it also creates the ability to subdivide this property when the time comes that they don't want to farm or ranch. Work meetings need to be set up with communities such as West Point, Clinton, and Syracuse, so that residents in the unincorporated areas can voice their concerns and questions and have the cities answer about the process. Talks need to be had about the descriptions of the County line. The General Plan does show some flexibility as far as possibly moving land from one county to another. From reading a little bit of history, Commissioner Stevenson said that some of these decisions took place back in the early 1900s. There's a need to be open-minded about what may be done to make this best for everybody involved. Finally, there could be a lot of things that come up, so there's a need to be flexible with how this is put together. The whole goal is to realistically not be in the development business, like the cities, but also to be able to help those in unincorporated areas be able to function — not only how they have been but for things they may want to do in the future.

Commissioner Elliott did not have any questions.

Kent Anderson, Davis County Community and Economic Development Director, said that his staff's original presentation was for a lot width minimum of 300 feet. The Planning Commission made a recommendation that it would be modified down to 100 feet. Regarding redevelopment and future annexation, it is believed that 300 feet is more acceptable for future redevelopment in the cities, so the ordinance reflects a 300-foot minimum.

Commissioner Stevenson said it has to be realized that a 100-foot minimum makes an awful long 10-acre piece going back. It is, without a doubt, proper [to go with the 300-foot minimum]. He added that as part of this and for future development, even if it's just one lot, there's a need to abide by the rules of development as far as these homes coming in. The descriptions have to include curb and gutter, and impact-type fees have to be looked at to try to meet what the cities are doing. He has seen, in his experience, people who just want to put a water line into a piece of ground and create a lot. The problem comes years later, when all of a sudden there is development around them, and people have done landscaping off their property out and toward the road and that has to change, or when someone may have bought a property after the fact and lien waivers are called in on putting in the curb and gutter. People are finding out that it costs them a lot of money, and then they fight back that they don't want to do it – they don't remember saying they were going to do it. Probably the most important thing is educating the people when they come in, so they understand the process. We don't want to stop anybody from being able to come in and build on this acreage — they just are going to have to understand the whole process of developing, even if it is only one house, he said. It's part of what needs to be done throughout the entire county, and the cities have pretty-well picked up on this.

PUBLIC COMMENTS

Commissioner Elliott called for public comment and asked those interested to introduce themselves and keep their remarks to three minute. No comments were offered.

COMMISSION COMMENTS

Commissioner Elliott said a lot of people at the Planning Commission meeting mentioned that they were residents of the West Point/Hooper area for many generations. His family has been in Farmington since the 1920s. His great-grandfather got together with neighbors and put the sewer system in on the east side of Farmington in the 1940s and 50s. The east side of Farmington start to get developed until it was at capacity, and the west side of Farmington didn't get developed until about 25 years ago. The County allowed one-off

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septics and acre lots, and bigger parcels out there, but the big push in development didn't come until they put the sewer and water systems out there. Then they annexed into the cities, and the big push for growth came. Growth is being seen throughout all the County, and as the County grows up systems need to be put in place so areas won't be over-stressed by having too many septic. Growth similar to Farmington's is going to happen in the Hooper area. The County has heard from the cities that they want to work together and hold open houses to help the citizens get themselves incorporated, so the proper systems are in place because the water and sewer lines out there are not up to par, and the County will work with them.

Commissioner Stevenson asked that five items be included in the meeting minutes, so they are all tied together as a packet in case there are any questions or comments: 1) comments made by the public at the Public Hearing that was held by the Planning Commission on July 29; 2) comments made by the public at this public meeting; 3) any written objections that were filled by the public, including the one he had seen; 4) the recommendations of the Planning Commission resulting from the Public Hearing, and; 5) the recommendations made by the Davis County employees at the Public Hearing and public meeting. *See Attachments B1-B13, C1-C6, and D1-D2.*

MOTION

Motion to approve Ordinance #5-2019 and Ordinance #6-2019

Motion to approve Ordinance #5-2019, "A-10 Agriculture and Farm Production" and Ordinance #6-2019 amending Davis County's Zoning Map

Commissioner Stevenson made a motion to approve Ordinance #5-2019 and also Ordinance #6-2019, and offered a synopsis of each:

Ordinance #5-2019 is an adoption of a new general ordinance titled "A-10 Agriculture and Farm Production," which, if adopted, establishes an allowed gross dwelling density of one dwelling per 10 acres in that area.

Ordinance #6-2019 amending Davis County's Zoning Map, which, if adopted, will amend Davis County's zoning map by changing all AE, A-1, A-5 zones within the unincorporated area of Davis County, excluding property within the Mutton Hollow Township and all property located within an agricultural protection area, to the A-10 Agricultural and Farm Production zone.

He asked for, and received, approval from Davis County Chief Deputy Civil Attorney Neal Geddes on the wording of the motion.

Motion to Approve: Com. Stevenson
Seconded: Com. Kamalu
All voted Aye

MEETING ADJOURNED

Commission meeting was adjourned at 11:31 a.m.

All publicly distributed materials associated with this meeting are noted as follows:

- A. Agenda
- B1-B13. PowerPoint, "Staff presentation for Potential Davis County Land Use Ordinance Amendment"
- C1-C6. Planning Commission Meeting Minutes from 7/29/19
- D1-D2. Citizen Objection Letter

Minutes prepared by:
Becky R. Wright
Deputy Clerk/Auditor

Minutes approved on: 9/17/19

Curtis Koch
Clerk/Auditor

Randy B. Elliott
Commission Chair