

Minutes of the Syracuse City Planning Commission Work Session held on May 7, 2013, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Kenneth Hellewell, Chairman
 TJ Jensen, Vice-Chair
 Gary Pratt
 Tyler Bodrero
 Curt McCuistion
 Wayne Kinsey
 Brandon Haddick

City Employees: Sherrie Christensen, Community & Economic Development Director
 Will Carlson, City Attorney
 Jenny Schow, Planner

City Council: Craig Johnson

Excused: Dale Rackham

Visitors: Mike Schultz Peter Coroon Tom Conine Gerald Jacobs
 Mike Rhoads Ben Gibby Adam Gibby Bill Bytheway
 Dylan Argyle Boy Scout Troup 136

1. Department Business

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Director Christensen –With Mike Eggret leaving, he was going to the ICS conference in Las Vegas, I will be attending now.

Director Christensen – We need to know what public hearings you need advertised for two weeks from now because we have to have those to the newspaper by tomorrow.

Commissioner Hellewell – My recommendation is to have a public hearing because of the 10 day protest period.

Commissioner Jensen – Is that protest period after we render a decision?

Commissioner Hellewell – I would like to have a public hearing at our next meeting on the General Plan changes, the rezone changes, and the C-2 Commercial II rescission because that is what is driving the General Plan changes.

Commissioner Jensen – All C-2 will go to General Commercial?

Commissioner Hellewell – Yes, except for the area around the high school and all R-4 will be changed to PRD Planned Residential Development.

Commissioner Jensen – All R-4 will be changed to PRD?

Commissioner Bodrero – What about the current C-2?

Commissioner Hellewell – That will go to Commercial and that is where the Multi-Use zone comes in. I would like to approve all of the changes at the first meeting in June and then send it to Council.

Director Christensen – So how do you want the wording on the General Plan changes?

Commissioner Hellewell – The changes are due to the proposed rescission of C-2.

- Update on the status of the CED staff
- UDOT is releasing a draft on May 16th
- Thayne Ski Lakes update

Director Christensen – Another item that relates to Ed Gertge is the Cherry Creek Assisted Living facility and I reminded him that we granted them a six month extension. Apparently, they were under the impression that it was a year extension.

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2. Next Agenda

Public Hearings
 General Plan
 Rezone C-2 Changes and R-4
 C-2 Rescind
 Water Shares
 Ninigret

3. Ordinance 13 - Water Share Conveyance

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64 **Attorney Carlson** discussed the purpose for updating the water share conveyance in City Code; concerns include
65 farmed land that is currently using secondary water unlawfully, and properties that obtained secondary water prior to
66 the conveyance requirements.

67 **Attorney Carlson** – There was a special meeting of the City Council on Friday, April 26 and the Council expressed
68 an interest in adjusting the water exaction coordinates. I started drafting the ordinance amendments; under State
69 Code Section 10-3-704, ordinances need to be formatted a specific way. I haven't been formatting them this way up
70 until now; it doesn't invalidate the ordinances in the past, but because the code recommends a specific format, which
71 is why this format is different from previous ones. The Preamble needs to include the need or reason for the
72 ordinance. I used this as an opportunity to clean up this section of the code.

73 **Attorney Carlson** – Subsection C is the new section. Redevelopment of Subdivisions: Notwithstanding the
74 requirements to convey water, if the proposed subdivision is on land and it is an existing landscaped subdivision, the
75 City Council will waive water rights. If the developer establishes by clear and convincing evidence that the City's
76 secondary water system is currently serving the existing landscaped subdivision, and the proposed subdivision will
77 decrease the burden on the City's secondary water system compared to the existing one. This imposes a burden on
78 the developer, stating you have to show through clear and convincing evidence that the land is already being served
79 and that this will decrease the burden. If you can do this, then the City Council must waive the conveyance. Director
80 Christensen raised a valid issue questioning if this is a mega lot, one lot and not a subdivision. We could change that
81 from existing subdivision to existing improved landscaped lot.

82 **Director Christensen** – It can be an improved lot in or out of a subdivision; the point is that it is an improved lot that
83 has been landscaped and irrigated with secondary water.

84 **Attorney Carlson** – There are some concerns. There are some farmers that are using a secondary water system
85 and they are not supposed to. If those farmers try to develop, this could invite some controversy. They need to
86 provide proof that they have already transferred water shares for the land. The subject property has already
87 conveyed shares to the city.

88 **Director Christensen** - He did do some research and we have had conversations and the water shares that were
89 transferred, were transferred for the subdivision Hansen Meadows. I do not know when those houses were built; they
90 may have been built pre pressurized irrigation system.

91 **Commissioner Jensen** – When they first put it in, all the existing houses at that time, the City just gave it to them.

92 **Commissioner Hellewell** – That is correct. Many did not want the secondary water, so they did not have to provide
93 shares because they were already here.

94 **Commissioner Jensen** – How do we address the initial users of secondary water and the issue of water donations?

95 **Attorney Carlson** – If the property owner is a user prior to the 1980's, they would be grandfathered.

96 **Director Christensen** – Under the ordinance, they are only allowed to water so much of their lot, even if they have
97 been doing it illegally.

98 **Attorney Carlson** – I am talking about the legal user.

99 **Director Christensen** – In essence, we stated that the taxpayers of the City went out and bought all of the water
100 shares for all of the connections that the City made. Those individuals paid for those through their taxes. They did
101 not buy a water share.

102 **Attorney Carlson** – Do we place that burden on the developer to establish that they have been using it legally or do
103 we place that on the City? The problem that I have is we cannot measure.

104 **Director Christensen** – Yes we can. They are only supposed to water up to 1 acre.

105 **Commissioner Bodrero** – On the residential side, there are two different size valves: three-quarter and one inch; if
106 you are over an acre, you have the one inch valve.

107 **Attorney Carlson** – Would you like to see new language in the code at our next work session?

108 **Commissioner Hellewell** – It is important that we get the language correct.

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110 4. Discussion of proposed Mixed Use Zone

111 **Commissioner Hellewell** ran through changes that needed to be updated in the ordinance. The consensus of the
112 meeting was to drop the MU zone.
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