

CITY OF SHELLEY
WORK MEETING
MINUTES

DECEMBER 06, 2022

PRESENT: Mayor Stacy Pascoe (zoom)

Council Members: Jeff Kelley, Kim Westergard, Adam French, and Leif Watson

Police Chief: Chad Purser

Public Wks Dir.: Justin Johnson

City Clerk/Treasurer: Sandy Gaydusek

City Building Insp/Plann.: Jordon Johnson

The meeting was opened at 6:03 p.m.

Mayor Pascoe opened the meeting to discuss whether or not to amend the minimum requirements or add stipulations regarding the 24 x 24 garage regulations. Adam said he feels the city should change the ordinance back to requiring a two-car garage with no minimum sizing. Kim said she felt it should be a double car garage and if the home is 1200 square feet or less there should be no size requirement. The question came up as to what if the house is 1210 square feet. Jordon said the requirement we have now doesn't seem to be working and feels we should back to no minimum size; just a two-car garage. Kim said the Development Agreement could specify that there is not parking on the street. Jordon commented that the finished driveway width should match the garage. Jeff said he feels this is fine; just go back to a two-car garage and parking; but have no minimum size requirement.

Mike Hicks said they are willing to put parking restrictions in the Development Agreement regarding parking on the street and where RV parking will be allowed. He said this would be put in the Restrictive Covenants and the HOA will provide enforcement. Chad said he is concerned if an HOA will actually enforce these requirements; will they tow, fine, etc.? The City cannot enforce CCR's. Mr. Hicks said a third-party HOA is key. They enforce in many cities. Steve Taggart, the attorney for AHG said the city can sue the Developer if the stipulations are not enforced but it must be written in the Development Agreement. Kris Bertagnolli said alot of good things come from a third-party HOA. Randy Adams said the only concern he has is if the regulations are not enforced. He said what happens if nobody complains. Mr. Taggart said they can never get rid of the third-party HOA. He said the HOA can only use fines to enforce, they cannot tow any vehicles. However, the fines are pretty hefty and if not paid the HOA can lien the house.

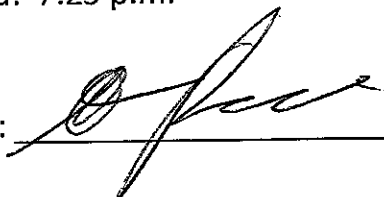
The Council was okay with amending the ordinance to require a two-car garage with the parking the same width of the garage to the street with no minimum size. This issue will be added to the next agenda to consider.

Mike Hicks asked about the setbacks. He asked where the setbacks were measure from. The city measures from the drip edge. Mr. Hicks said only two cities in the are have the drip edge policy but they have five-foot setbacks. He said he and Jordon discussed about being able to get to the back yard. He feels this is not clear in the ordinance and it takes them from a 44-foot envelope to 41 or 42 feet. Mayor Pascoe said he is concerned about stormwater drainage. Mr.

Hick said the eaves could be limited to 2 feet as Jordon suggested. Jordon said he has some concern about RV's being able to back in if the setback of 10 feet is measured from the foundation. Randy Adams said the equipment, firemen, and vehicles must be able to get back there. He said it doesn't matter where you measure from as long as there is room to get back there. Randy said there are rules being made about parking RVs in the back yard, but you have to have room to get stuff back there. He said now that the garage will be able to be smaller it should help with the requirement to measure from the drip edge. Mr. Hicks said personally he likes a 1 1/2 foot eave which would only leave 8 1/2 feet to the property line. Jordon and Sandy agreed that the city has used the policy of measuring from the drip edge for over thirty years. However, a note was made in the code stating we use the drip edge just recently. Nothing was changed, just the note was made. Sandy said there are some other measurements that are not spelled out in the code either such as measuring the size of the home; do you measure the inside or outside square footage. Mr. Taganolli said they looked at what other cities do. Mr. Hicks said at the time the plat was submitted the ordinance did not state where you measured from and he said BJ said previously that this is a problem that it was not stated. Sandy said in regards to "standards", if the ordinance doesn't state drip edge and it doesn't state foundation, yet for the past thirty-two years or more we have measured from the drip edge, what is really considered "standard". Shawn Anderson said what the industry is doing. Jeff said so be it if this is the largest envelope; this is our policy. Leif said it looks like the city has given and there is no middle ground. The Council felt this should be discussed with BJ to see what needs to be done regarding where the setback is measured from. Should it be a policy, ordinance, variance, or what. Randy said when this has been discussed in the past it was ten feet from the drip edge. Mayor Pascoe said we will talk to BJ for direction and made a decision which way we will go on Tuesday.

Adjourned: 7:25 p.m.

APPROVE:



ATTEST:

