

Minutes of the Western Weber Planning Commission meeting of February 13, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair
Jennifer Willener-Vice Chair
Roger Heslop
John Parke
Wayne Andreotti

Members Excused: Jannette Borklund
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Ronda Kippen, Principle Planner; Steven Burton, Planner II; Felix Lieferino, Planner II; Tamara Aydelotte, Planner I; Chris Crockett, Legal Counsel

- Pledge of Allegiance
- Roll Call

1. Minutes:

1.2 Approval of meeting minutes for January 9, 2018.

Chair Hancock asks if there are any corrections to the minutes. Commissioner Heslop states that regarding section 2. The portion concerning the election it was Commissioner Parke who made the motion to make Commissioner Blake Hancock Chair and Commissioner Willener the Vice Chair.

Director Grover goes over roles and compliance procedures for Planning Commission meetings.

2. Approval of the 2018 Rules of Order-Chair Hancock motions to postpone this item to next month's agenda. Motion passed (5-0)

3. Consent Agenda:

3.1 LVR 071417 Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to dedicate 1,190 square feet of right of way along 1800 South Street and to defer asphalt, curb, gutter, and sidewalk.

3.2 DR 2017-17: Consideration and action on a design review application for a used car lot on Lot 11 of the Weber Industrial Park.

3.3 LVM060517: Consideration and action on a request for approval of a right of way dedication in the Mike Henry Subdivision, a one lot subdivision located at 1354 South 2900 West, West Weber.

Director Grover states that they can group consent agenda items or do them individually. Chair Hancock states that he would like to group it. Commissioner Andreotti Motions to Approve item LVR 071417 Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to dedicate 1,190 square feet of right of way along 1800 South Street and to defer asphalt, curb, gutter, and sidewalk; Item DR 2017-17: Consideration and action on a design review application for a used car lot on Lot 11 of the Weber Industrial Park and item LVM060517: Consideration and action on a request for approval of a right of way dedication in the Mike

Henry Subdivision, a one lot subdivision located at 1354 South 2900 West, West Weber. Motion passed subject to conditions and findings as outlined in the Staff reports (5-0)

4. Petitions, Applications, and Public Hearings:

4.1 Administrative items

New Business:

LVT111717: Consideration and action for preliminary plan approval of Terakee Farms No. 1, a PRUD Subdivision.

Director Grover states that it was originally approved as a conditional use permit and now they are requesting preliminary subdivision approval. Since this is an administrative item the Planning Commission is not required to open for public hearing or to take public comment. It is however recommended, so long as the public complies with the time restriction and roles and procedures. Director Grover gives an overview of the project. Phase 1 is what they are requesting approval for. It is dealing 40 lots and the original approval granted for 206 lots with ADUs associated with the remaining, which gives them the density.

Brad Blanch 1060 E 3400 N North Ogden, He states that the staff report is pretty complete. He feels that he has been put in a precarious situation. People are very passionate regarding the entrance point of this development. He states that he would like to make a couple points. The first point is most of the road in West Weber are public use roads. Most people own their property to the center of the roads. There is no dedication so that when a subdivision is built it is then dedicated at that point. The goal is to bring the roads up to safety standards and that it is put in a place that is appropriate. The goal is not to take anybody's property. There is a petition in front of the court to review the facts based on what its proposed to be used as. Everyone who lives on that road will get notice and will have an opportunity to petition the court. He states that he will live by the decision of the court. He also asks to be given the opportunity to share information that he has after public comment.

Director Grover states that the development is located in A-2 zone. The applicant went through the PRUD ordinance and was required to be approved as a conditional use. They do plan on developing this in different phases. In order to approve the preliminary subdivision, the Planning Commission must determine if the conditions have been adequately satisfied or that the Planning Commission has put sufficient conditions upon the preliminary review to make sure that those conditions have been adequately addressed. The main concern that staff has is regarding 3600 W. the Engineering Department has given some comments and agree that the applicant needs to obtain the proper right of way for the ordinance. The ordinance talks about different types of streets having different widths. As a Commission, the main concern is how it's meeting the ordinance. Right now the ordinance is talking about local streets collector streets and arterial streets. Most likely it's going to be considered a local street. A collector street or arterial street is more like 12 Street. An arterial street is more like Wall Ave or Washington Blvd. These streets have an 80ft width requirements. We do recommend that we make sure the street in question meets the width requirements which is the 60ft right of way. The applicant needs to work out the cross section that is associated with this street. The residents are concerned about pedestrians and there is an elementary school in that area. The Engineering Department has concerns regarding drainage and width of the road regarding 2-way traffic. It is also important to make sure improvement drawings are submitted for approval before anything is done. Typically, these are things that are done in a final subdivision review. Based on that condition, if you look at condition 6-8 in the staff report on page 11. Condition # 6. The applicant shall continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West, prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval. 7. Prior to the commencement of any onsite improvements for Terakee Farms (including the excavation and installation of infrastructure) or any improvements along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division. 8. Prior to improving 3600 West, a 60ft right of way dedication to Weber County must take

place for the approved width. Also with the conditional use permit, they got bonus points for certain requirements for open space and they have a street design with street trees that gave them bonus points. He states that we will need a more detailed landscaping plan with lighting design prior to final approval. Also part of the approval is an agriculture preservation plan, they have submitted some concepts but a more detailed plan is needed regarding maintenance. As far as the common area they are providing 44.7 percent of phase 1 is left in common open space. With the average building height, there will need to be a note placed on the plat between single family and accessory structures the average height is between 35ft. He states that regarding subdivision ordinance requirements there are a few things he wants to touch on. Natural hazards in a zone X they are out of 500-year flood plain they will have to design to those standards. They are up to date on their taxes as of 2017. He states the notices have been sent out within 500ft of the development. Per the fire district, they are required to provide 50 ft. temporary turn around. Regarding culinary water and sanitary sewer, they have reached out and received a feasibility letter from the Taylor West Weber for culinary water and The Central Weber Sewer District. During the final process, the applicant will need to provide a capacity assessment letter and construct permit from the state of Utah and an environmental quality from the division of drinking water. He reiterates that the main change that has been made to the staff report is that adding the 60ft right of way. He states that if the Planning Commission is comfortable with proceeding with this that they include their finding in the recommendation when they make the motion.

Jill Hipwell 5885 S 3600 W, states that on the plat it says its zoned A-1, not A-2. Everything else is going to be associated with the McFarland subdivision which is the main entrance road. She states that when at the time of the McFarland subdivision design the Hipwells gave the McFarland's the 42ft of property necessary for the roadway so that the subdivision could move forward. In exchange for the land, the McFarland's gave them the 7 hours a week of water every year and access to the pump and the property for installation of pipe. She states that she has a signed and notarized paper documenting this transaction. She requests that the owner of the Terakee farm guarantees through a detailed plan that the water flows at the current rate and that access to the pump will be preserved and protected in a way to ensure irrigation access to their location and that the irrigation water capacity will be maintained at all times and in compliance with any subdivision county regulations. During this time the same subdivision process was also given documents from the Rocky Mountain Power for the removal and replacement of the power poles that landed on their property, she states that this was at the request of the county. Mr. Christensen was the County Engineer at the time and they worked closely with him. She states that according to the County Surveyor review conditions the owner of the overlapping area of the entrance road, would need an amendment for the McFarland subdivision lot 2. Per county code section 106-1-3 B, it states that a retorted lot should not be further divided rearranged or reduced without first obtaining approval by the land use authority. She points out that in Nov 2004 that the McFarland subdivision was given a notice of noncompliance for the shop going in with violations and no inspections or approvals. She believes it has not been rescinded because the shop is still there as well as other outbuildings. She also believes that the original building permit conditions have not been completed. If the transfer of the road is done the parcel may no longer have the 100 ft. frontage. She states that until all of this is in order that the lot cannot be amended or transferred. The same review states that property owner of the overlapping lot will need to be included as an owner within the subdivision boundary. Per county code 106-1-5 (a) (13) A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of the application. She states that the McFarland subdivision lot 2 has not been approved for an amendment and not included as an owner of the title. She states that it should be tabled until this is taken care of.

Gary Hipwell 313 S 3600 W states that the road in question is north of his house. He owns 1100 ft. on that road of pasture. He states that the County gave that road a 32 ft. right of way, not a 60ft. He has been approached to sell his portion and he is not interested. He states that he is unsure if this can be approved or not. Concerning farming that area surrounding the subdivision he points out that there would be no way to water it. It would just create a

weed patch. He states that there is a lot of homes in a small area. He states that he does not believe they have the 100ft frontage that he and his neighbors have been required to have.

Ken White 3727 W 400 S West Weber states that based on the number of houses planned there will be 80 or 100 cars going up and down the road. He believes it is not safe for the public or the children. Regarding the culinary water, the only way to get water down there is to make a loop and it would have to go through his land. He states that is not going to happen. He states the County Commission said that they wouldn't take anybody's land that doesn't want to sell. He states that he doesn't like the way it's going and it is not right. He believes that they are being discriminated against and the individuals who live out there. He states they had to have a protest out there. He states that they have to have an acre and give their kids a share of water to build out there. He points out that the new people are able to build 5 houses on an acre and have no shares of water. He states this is not right. He states this is a death trap.

Bren Edwards 4301 W 330 S asks does the county have an ordinance on how many residential units it allows on one access? In addition, what access is being determined? He states that if you are putting 204 units in over a 10 year build up that's 2 vehicles at 2 trips per day, how many cars going up and down this road. On top of that with only one access if something was to happen on 3600 W how are the people going to get out or how are the emergency crews going to get in. In most cities, its 30 residential units per access and each city are different regarding the definition of an access. It is something that needs to be addressed moving forward.

Carisa Hipwell 111 N. 3600 W felt that if the Planning Commission approves the 40 lot phase one right away and don't allow everything to get worked out with the road as it is now, there will be no choice but to take away property owners land.

Chair Hancock closes the public comment

Brad Blanch states that it is not a death trap. He states they have access to water and have more than enough. Regarding the power poles, the ones that exist today are in the middle of the right way. He states that he does not understand why the McFarland subdivision when they dedicated the property placed the power poles in the middle of the subdivision. He points out that regarding the right of way frontage it has already been addressed. He states that this is what the conditional use permit was for. The property owners can put 150 in acre lots down there. He states that he is asking 206 and leaving almost 70 acres as permanent open space. Regarding the entrances, he points out that he has had three traffic studies done. The capacity utilization as it sits today is 15 percent. He states that the once the houses are fully built out it is increased to 18.5. It is not even a question whether it is able to accommodate traffic. He recommends that people read the code or talk to the Fire Marshall. There is only one standard that Weber County has to build a single access. The perfect example is Powder Mountain Road. He points out that the Powder Mountain Subdivision is only a single access and it is not a 60 ft. right of way. If it were two entrances, they would have to sprinkle the houses for any more than 30 units on a single access because that is the requirement. He states that he has met with Rex Hancock, Blair Hancock they are the property owners that would be needed for the second access. They have agreed to be able to make the second access happen. He states that the members of the public who are upset regarding the amount of traffic going down a single road should speak to Ken White or the Wagstaffs because that is the portion that forces the traffic to go down a single access. That single piece of property would allow a second access to go out the other way. He points out that at this points he has the ability to build a single access. He has spoken to the Fire Marshall. He would rather build a second access but he can build a single access. Regarding Culinary Water, he states that there is no loop requirement. The improvements for the development project are exorbitant. To improve the road is huge, and to pass the water capacity test a 12inch line will have to be pulled from the West Weber Elementary. It will likely be a million-dollar project. Regarding the comment stating that everyone is required to have 1 acre. He points out there are two ordinances the Cluster ordinance and the PRUD which allows the reduction in lots size in

exchange get higher bonus density. He states that no one wants to take other people's property through eminent domain. He has worked with the county to dedicate the right of way. He then explains various sections of 3600 West that have been dedicated. The width of the road is a district court decision. He states he will live with the court decision and the conditions Director Grover has added because the code states that scope of the right of way is reasonable and necessary to ensure safety according to the facts and circumstances. If they come back and state it is less than 60 ft. the project is not going forward if the right of way is not 60 ft. He states it's reasonable and fair. It does not mean that he is going to go and take their property. The owners of the property have property ownership rights. Lastly, he adds that he doesn't like to be accused of not being in his right mind.

Director Grover states that regarding Jill Hipwell and the irrigation flow it has to be maintained. This is something that will be addressed during final approval with the improvement drawings. Concerning the acreage, he states that Mr. Blanch is correct that some of it is 33 ft. right of way and some is 60ft in certain areas and some a bit more in other areas. Regarding the court's decision, it will be addressed by the legal counsel, so that the Planning Commission can get the information from a legal representative. If a loop is required, it has to be addressed by Taylor West Weber prior to final approval. This is covered in the Engineering Department comments. The County Commissioners are not willing to entertain any type of eminent domain. As far as the road access, the Fire District determines the number of access points required. They have indicated that with one access they will have to sprinkle the homes, which will be more expensive. Regarding the McFarland's subdivision if the road alignment creates noncompliance issues they will need to be addressed prior to final approval.

Mr. Blanch states the McFarland's is part of the family that they are purchasing the property from the road that is showing a cut into that lot. He states they would need to do an amended lot and there is an agreement in place for this purpose. Based on how the road is designed there are more than 150 ft. of frontage. He states that at its extreme it might look like a corner. There will need to be a subdivision amendment, but there are more than 150 ft. to accommodate.

Director Grover states that he cannot speak to this, but it would have to be addressed during the road dedication portion.

Mr. Crockett states that he would like to provide some information that may be useful to the public and provide some resources to look up legal doctrines with the public right of ways that are established through use. He states that there is case law supporting this doctrine. There are statutes codified that allow the road to be dedicated as public through prescriptive use. As far as determining width only a judicial order or court case would be able to establish what that width is. The court would be doing things such as looking back in time at historical evidence to determine when if ever that road became a public road. If the public is interested, a section outlines this process through the Utah Property Rights Ombudsman. It has some short clear answers, regarding the prescriptive road statute. He states that there are legal issues that have to be met and proven by the entity and the individual bringing forth the action by clear and convincing evidence. Regarding scope and how large the right of way created by public use, the statute provides the scope and the size of the right of away and frequency of use, which is reasonable and necessary for safe travel according to the facts and circumstances. This historic use that established the right of way in the first place should be considered when determining the eventual size and reasonable concerns for safety. This will be determined through the presentation of evidence. The court will have to look at it in on a case by case bases. Public use is usually proven by public testimony and other types of evidence that can be presented. It is a question for the court to decide.

Commissioner Heslop asks the Legal Staff if the County Engineering Department states 60 ft. as the recommendation, can the court rule wider than that? Mr. Crockett states that the court's decision is not going to be based on what the County Engineers recommend. The court will look at what is reasonable and necessary for safe travel. They are not bound by the County Engineer's recommendation. There are many factors that could influence this.

Commissioner Andreotti asks if the court looks at pedestrian traffic. Mr. Crockett states that he is familiar with the doctrine but is not comfortable in saying what exact criteria the court looks at to answer that question. There are certain criteria the court looks at and there are criteria Mr. Blanch will have to meet, but speaking about pedestrian traffic he is unsure.

Director Grover states that the notice of the decision is found on page 11 of the staff report. He explained how they are satisfying them.

1. ***A "side, facing street corner lot" setback standard shall be added to the final subdivision plat for review and approval.*** He points out that this will be addressed and it is shown in the drawings
2. ***A note is added to the preliminary subdivision plan stating the single-family homes within the development have been approved in whole or in part for nightly rentals or monthly rentals including the ability to utilize lockout sleeping rooms for nightly rentals.*** There will be a note added to the plat that will address this condition.
3. ***The applicant will need to work with Weber County Commission and Weber County Engineering Division regarding the access along 3600 West during the preliminary subdivision process to ensure adequate access to the development.*** Engineering has added their comments on the preliminary subdivision review along with the approval of the conditions in the Staff report. Nothing as far as final submittal can be accepted in the Planning office until this is resolved.
4. ***The lots that have been identified as "mixed-use lots will be restricted from such uses as manufacturing. Industrial and auto repair due to the close proximity of the adjacent property owners.*** That will be a code enforcement issue, but it is clear that it is only for the agriculture uses and this will be part of the agriculture plan that they will submit for final approval. There will be more detailed information when it is submitted.
5. ***Additional landscaping plans will be included in the preliminary and final subdivision design for the Terakee park area and will be further evaluated at that point in the process.*** They have submitted some information regarding the street scape design. However, as a part of the preliminary approval, they will need to submit additional landscape design such as lighting.
6. ***The developer shall provide proof of financial feasibility for the development.***
7. ***The additional parking area will be added to ensure that street parking does not create hazardous traffic conditions and congestion.*** In this situation, this will be addressed in other phases, because this does not affect the single-family homes.
8. ***The applicant shall demonstrate during the subdivision process the following:***
 - a. ***The ability to provide culinary water to the development***
 - b. ***Flood zone mitigation for the development***
 - c. ***Infrastructure viability specific to culinary water, wastewater/ sewer services and any additional infrastructure that will be required per the LUC.***
 - d. ***A traffic safety study plan/traffic study that will be addressed ingress and egress and the safety of the children along 3600 west***

Some of this has been done but they will have to compile all of this information at the final subdivision review. The preliminary subdivision approval is meant to give the developers some type of comfort as far as if it could go forward with those conditions. They can address things such as water and sewer. When they start putting money towards final approval. For this to be required at preliminary approval would be contrary to what has previously been done.

The Engineering Department will look at the traffic study and the safety of the pedestrians. The Planning Department will also give them guidance for the trail system the can be put in place to put separation between the vehicles and the pedestrians. Planning will also look at the possibility of putting in a bike system. In this area, it is important to remember when the condition regarding the pedestrian's safety was put in place the intent was safety for the elementary school.

Mr. Crockett states there is a point of clarification he would like to make. A public right of way might already exist. Once those elements are met by operation of law it does exist. What the court will assist in determining is if at one point all these elements existed.

Commissioner Andreotti makes a motion to recommend preliminary approval of LVT111717: Consideration and action for preliminary plan approval of Terakee Farms No. 1, a PRUD Subdivision. The recommendation for review is based on the following conditions: The final subdivision plat shall reflect a 35 ft. average building height for all single-family and accessory structures. The final subdivision plat shall include the agricultural note as required in LUC §106-18(5). An agricultural preservation plan, landscape maintenance plan, and CC&R's must be submitted and reviewed during the final subdivision process to ensure they comply with the provisions of the Community Association Act for the preservation, maintenance, and ownership of the common area. A capacity assessment shall be submitted with the final subdivision plans from culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission. A construct permit from the State of Utah Department of Environment Quality Division of Drinking Water shall be submitted with the final subdivision plans prior to approval by the County Commission. The applicant shall continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West, prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval. Prior to the commencement of any onsite improvements for Terakee Farms (including the excavation and installation of infrastructure) or any improvements along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division. Prior to improving 3600 West, a *60ft right of way* dedication to Weber County must take place for the approved width. The recommendation is based on the following findings: the proposed subdivision conforms to the Western Weber Plan. With the recommended conditions, the proposed subdivision complies with the applicable County Ordinances. The applicant during the CUP for the PRUD was granted overall bonus density of 50 percent for the entire project for an overall density of the 232 dwelling units.

Keith Hipwell states there has only been mention of 3600 W., half of the traffic will be on his property along 400 S., the church, and the school.

Per Mr. Hipwell's comment, an amendment is added that the applicant will continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate *pedestrian* access along 3600 West prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval including pedestrian traffic. Commissioner Willener seconds. The motion passed (5-0)

5. Public Comment for Items not on the Agenda-none

6. Remarks from Planning Commissioners -none

7. Planning Director Report- The work session will be held in the breakout room and the public is welcome to attend.

8. Remarks from Legal Counsel-next month in addition to discussing the rules of order, he will be presenting a training regarding various topics concerning meetings.

9. Adjourn to work session.

WS1. DISCUSSION: Discussing the intent of the general plan regarding "village" development at 4700 West and 12th Street.

Mr. Ewert states that the general plan talks about 7 to 14 acres of commercial development being rezoned to C-1. No one has come in to ask for this yet, so it has been changed in the zone in accordance with the requested general plan. There is also the option of adding a village zone in that area. He states that they are looking for some feedback and direction regarding the intent of the general plan. He states that he is not sure what the planning recommendation will be if they are asked for a rezone of the entire parcel. There is no definition listed in the

general plan as to what village means. The request that has started this conversation is two 45,000 or 50,000 sq. ft. buildings a grocery store and a hardware store or farm store. A number of other small buildings. Nothing is set in stone yet. It is all conceptual. A village at this location, the majority of the public will be patronizing these location stores because they are passing through or they are loyal to the community. What is going to be the future of this corner? What can be done to stimulate? Commissioner Willener asks if where Legacy is going to go. Mr. Ewert states that it will be way out west. There will be more conversation later on regarding Legacy. Commissioner Parke states that in last meeting there was some discussion regarding preserving agriculture property. If you look at three corners in question two are being farmed and one probably will never be farmed. Commissioner Heslop states that it's not being developed because they don't have adequate water shares. He states that it is as good as any agriculture land, but at this point, there are not water shares to accommodate it. Commissioner Andreotti states that he would like to see something placed that will benefit the public, not for example 3 gas stations on the corner. Commissioner Heslop states that with the current economic base out there in order to support a small grocery store. They would need to turn over 85,000 dollars a day. He states that this does not exist in that for agriculture base to make it reasonable for success. He points out that for most of the public in that area unless its agriculture they go into town to do 90% their shopping. Mr. Ewert states he has the same concern; he is unsure if there are enough people in that area to support anything of that scale. He points out that if there are investors to support the land, it might be a 10 or 20-year plan but it could work. The question is whether or not the market could yield, and right now there are investors that think it could. Commissioner Parke states that in 20 years it might not look the same. He points out that it is a common area that would serve well if it was designated an area as a commercial area. Mr. Ewert states that there are a lot of thing in their favor at this point. It's not zoned and zoning it is a legislative action. He points out that we have the ability to work with the developer. Commissioner Parke reiterates that he believes it needs to be zoned commercial even if there is nothing placed there for a while. He points out that just because its zoned commercial doesn't mean they can't use it as agriculture today. Commissioner Andreotti If a piece of each corner to be commercial is designated it's going to limit what can be done. Mr. Ewert states that the general plan states that it 7-14 acres so there might be some flexibility in those numbers, but it also says 90 to 100,000 sq. ft. of retail area. Director Grover points out that when you look at the map, it identifies all four corners. Commissioner Heslop points out that if you designate 23 acres on one corner, precedence is set so that if someone comes and asks on the other corner we have no choice because of precedence. Can West Weber support 100 acres of commercial? Mr. Ewert states that regarding precedence the item is legislative and through the legislative authority and we have the ability to pick. He states that sometimes there are better ways to develop certain types of properties than others. Sometimes it means one owner gets the benefit and another doesn't. Commissioner Willener points that from an accessibility perspective this corner its bordered by the railroad on one side. There is a roadway that is curved, there is going to be blind spots and traffic issues. There are pros and cons to developing the entire piece village style isolating or clustering that village concept in one area that may not have extensive usability outside of commercial but some of the traffic patterns are concerning. There are some physical structures around this plot that make it use restrictive. The railroad and there is nothing you can do about those and if you take 3 acres up on the corner you have an oddly shaped parcel of land that is bordered by commercial and a railroad. Who wants to live next to a railroad, or on the corner of the main road? Does it make sense to just create a commercial venue in this area because of the way the parcel is laid out around? Director Grover states that there is another use that could happen in this area. There are other elements that could happen in this area that would make sense. It's important to keep in mind that there might be a connection to Legacy in this area in the future. What is the long-term vision of this area? Commissioner Heslop asks how far out do we need to be looking as far as practicality. To take and zone it commercial and have an investor put in a grocery store that is going to fail, regardless of the size and to succeed you need to have a large area to stock a variety of product. There is a 2003 research study that said by 2020 we could support the 15 acres. Commissioner Parke states that if the fields on the west on both sides if that fills up with houses then we will lose out on a good commercial area. Mr. Ewert points out that when you look at the parcel you don't need to look at the whole thing. You can just look at portions of it. The other thing to think about regarding the future is this is going to the center of town? Will it look like 25th St.? Commissioner Willener ask if that's safe, with legacy to the

west. Director Grover points out that regarding angled parking on both sides there is things that can be done to create traffic calming. Mr. Ewert states you can bring the curb in so that it is a bit narrow, add center medians, and speed limits come down. He wouldn't suggest having a village node and having the center of town if it's a 50 mph road. Commissioner Heslop points out that with the industrial park out to the further west there is times of day where there is a lot of traffic and they need a secondary route in and out of there.

Mr. Ewert asks about the manufacturing area out west. If the West Davis corridor is executed in this location are we going to see traffic here and taking off in either direction. Most of the trucks are going to go North and South. Commissioner Parke suggests that the speed limit be reduced to 30 mph from the top of 12th street. The traffic there needs to be fixed. Mr. Ewert asks what the sentiment is on the way the General Plan currently reads.

Commissioner Heslop states that he like the 15 acres, and putting the 15 on the opposite of the Country Corner, given the attitude of the people who own the property on the other two corners. If anyone wants to develop it they will ask for a rezone, so we don't need to do that all today. Commissioner Hancock ask if we add flexibility in the acreage. Commissioner Andreotti states that we are honor bound to follow the plan. Mr. Ewert ask if the Commissioners would prefer spread out amongst corners or 15 in 1 place. Mr. Ewert asks if as the development pressures enhances in the area, we can pick it up at this point.

Mr. Ewert states that he would like to show the Commissioners what a master planned project can do when you have a good amount of acreage. He states that there is the potential when talking about smaller acres we are talking about less. A zone change is legislative. If we do rezone it, we do it with a development agreement. We could possibly do a development agreement that is a 20-year agreement that has some ideas for the future and only zone certain things at a time. High capacity transportation corridor, with the main street off to the side. Commissioner Heslop states that he would be concerned pulling out on the north side. There would need to be roadway stops all the way up that section. There have been too many accidents on that curb. Mr. Ewert states that as we go through rezone or whatever we choose to do we will need to work with UDOT to figure out the accesses. Commissioner Hancock opens up for public comment.

Bren Edwards 4301 W 3300 S Taylor points out that the general plan is 15 years old. He asks how much has changed in 15 years and what is the plan to update the general plan. Most general plans should be updated every 10 years. He asks if there can be funding allocated to bend more ears. He states that updating the general plan could help get those 4 corners updated. He states that he thinks that we are limiting the what can be developed there because of the current general plan.

Commissioner Heslop states that he believes we should take and develop 12 or 15 acres on that portion if the developer wants to. If later on, they see it can expand they can come back and ask for more.

Mr. Ewert states that if we do develop it will we will have to stick to smaller acreages of rezone with a masterplan for the whole side where they can ask for addition for the future. Mr. Crockett states that there is flexibility contained in legislative decisions and the court will offer a wide amount of discretion to be afforded to a legislative body if challenged. It's not limitless and they cannot enact something that would violate a constitutionally protected class. He states that there hasn't been a concern about this but with development agreements, you have to keep this in mind.

Closed for public comment

WS2. DISCUSSION: Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.

Mr. Ewert asks how do we want to preserve agriculture land, soil specifically. In the agricultural zones if a Cluster Subdivision is proposed. We should be asking for a soils analysis and irrigation analysis so that we can identify which properties are potential crop producing properties. Ultimately it is up to the owner but if we can set them aside for crop producing we will better off 20 to 50 years down the road. It will limit the potential value of the property by agricultural uses. It going to be more affordable to be able to do agriculture in the future. Right now there is the potential mark up because of development possibilities. The way it's written there are width limitations. The widths need to be enough to turn around the big equipment 150 ft. minimum. When you get

down to bonus density stick to bonuses that are community building that will promote quality pathways, lighting, and vegetation. The current proposal will still enable 50 percent density if they have permanently preserved and reserved the agricultural land and proposed to use it as agricultural property. Standard is 30 percent and it's got to be 1 for 1 percent additional open space for an additional bonus point. If someone doesn't want to use it as agricultural land they are still required to preserve the agricultural potential. They only have to put 30 percent of that into open space and build parks and pathways and later on, a farmer can purchase that land and farm it. They permanently preserve it as open space they can cluster tight and hike it up to 50 percent. If we do bigger acreage, we are talking about less open space. There is an additional lot type that has been added.

Member of the public who did not state his name states that he doesn't care how high the bonus density goes as long as they are restricted to 9000 sq. ft. He states that his biggest concern is cramming high-density housing into an 8th of an acre. If we are restricting them to 9000 sq. ft. If they can somehow fit 50 percent bonus density in there, then that would be okay.

Mr. Ewert states that he is adding estate lots. He points out that if a developer proposes at least 5.25 acres in an estate lot a portion of that lot can be built on for the house the rest of it can be held 80% can be counted as open space. The open space must be adjacent. It allows more open space and doesn't prohibit the ability for someone to lease the additional acreage.

Hal Christensen 272 E 3000 N, North Ogden States that he has 35 acres under contract and the 25 acres are the best farmland and has been that way 170 years. 10 acres of it livestock pastureland ground and the corner of it is wet. He states that he is negotiating to buy in since October. He states that he was in the process before he was aware of the changes in the cluster subdivision. He wants to know what he can do and what he can't do based on where he is right now. He wants to do a Cluster subdivision and he's got 47 lots and he's got half 1300 acres that he wants to put in the dedicated reserved and he's asking for the 50 percent bonus density. Mr. Ewert states that if he were able to shrink up the 75 ft. wide open space strips, he would have all his lots up front and be closer to the street infrastructure cost would be reduced. How would have more open space in the back? He points out that a soils analysis has not been done and we don't know what crop producing capabilities it has. Commissioner Heslop states that any land that has crop capability that is not being used as such is, because they don't have water rights or does not have crop producing capabilities. Mr. Ewert states that Wasatch Front Regional Council worked with Weber County within the creation of the County Resource Plan. He states that they helped us find all the map able data that currently exists on resources one of them being agriculture. It shows where we have quality soils. It will help challenge the developer when they say they have the best soils. Utah State is the only analytics lab in the area unless you are going to a geotech. Are we typecasting it all to one lab? Is it going to cause a problem for developers? Is it possible get marshland drain it put enough nutrients in. Is it possible to farm it? If we can think with a long-term mindset this is going to be the greenest area easiest to develop. Draining marsh land and adding nutrients might be more marketable after all the other land is taken. He points out that the last thing we want is to have the leftovers as long-term open space. Bottom line we want to keep the good soils and develop around it.

Mr. Christensen states that farm ground whether its prime farm ground, for pasture or wetland is \$15,000 an acre if you're lucky the price for developable land is \$38,000 to \$40,000. Most of the families that own the property, don't farm anymore, and they aren't going to \$40,000 an acre to feed their cows. Mr. Ewert states that Mr. Christensen makes a good point. The lower \$15,000-acre land that can only agriculture would help keep the market down so it's easier to afford for farmers. Mr. Ewert states that as far as the 75 ft. or the 100 ft. between clusters, it says that you need to develop in the agricultural zone 1 cluster unless there is an agricultural benefit to doing more than one. Otherwise, pack the houses in one place and keep as much open space as possible. Commissioner Heslop states that they also need to take into consideration the irrigation pattern of the property and the access to and from. If they do away with the main ditch, it going to be no good to have agriculture land.

Member of the public who did not state their name states that if you have a 5-acre minimum open space and you are talking about the values of the property. The landowner has to get his money; you have to consider the

landowner position it's not just the farmers or the landowner it's also the community. If you have 5 acres and you're going to be one homeowner that acre is going to cost, you \$200,000. Then you have to buy another lot it another 80,000 to 90,000 you are looking at \$300,000. You need to think about the communities. He believes that you can sell them off as 1-acre parcel that can use them and keep them open. He states that it's defeating the purposes because a developer is wanting to get money out of the ground and it's not just because they are money hungry. There is a lot of people who have obligations to their siblings and families and are trying to get the money out of it. He states that you can't just be concerned with farmers. Don't limit the uses of the open spaces, by not allowing it to be reduced more than 5 acres and fencing. He states that nobody is going to pay that much for 5 acres. Mr. Ewert states that if this deteriorated the value the current owner is going to get less. West Haven and other surrounding cities are allowing smaller lots. You can't compare apples to apple in different zones. Mr. Christensen points out that acre lots are going for \$140,000 and quarter acre lot is about \$90,000. You can get 4 times the money.

Member of the Audience who did not state their name asks what are you going to build on a quarter acre lot? If you want to fill the County with small houses that is the right road. That's what the cluster subdivision is doing. He states that you are going to get more by clustering but you're going to get small houses.

Mr. Christensen states that you also have to look at the market. Not everybody can afford a larger lot and larger houses. There is a market for the smaller houses.

Member of the Audience who did not state their name asks if there is a requirement to provide low-income housing? Mr. Ewert answers that there is a moderate income housing plan, there is one cluster bonus density criteria if you provide a certain percentage of moderate income housing you can get a certain amount of bonus density.

Member of the public who did not state their name points out that when you are on a 5-acre parcel with large farm equipment it's really difficult. Farming next to a subdivision is not an easy thing. If you are looking to reserve these parcels is it sustainable, because when this generation farmer is gone, who's going to pick up the 5 acres parcels and farm them 10 to 20 years from now. He states that what he's seen is you can build 10000 or 12000 sq. ft. lots and the public in Layton are happy with this. It is important to ask if reserving 10-acre parcels is it sustainable long-term? Commissioner Willener states that you have a large minimum and some developer their entire plot is 10 acres or 12. The cluster subdivision option goes out the window and you are down to the PRUD or 1 acre lots. Mr. Ewert states the acreages minimum is going to be 10 acres based on the requirement for 50 percent open space if you are given 50 percent density and that would be 5 acres and that would be the agricultural area. He states that the other thing he wants to clarify is the mandatory use the requirement that it be agriculture. We are not requiring or proposing a requirement for agriculture to exist on this property, just the potential to preserve. The other thing that was brought up was farming next to subdivisions. He mentioned housing with spots of open spaces around them with all the elements of agriculture and farmland. Commissioner Willener states that when you are trying to preserve agriculture its part of the territory.

Member of the public who did not state their name states that when you move out to the country you get what you get. Go somewhere else if you don't like it. He states that that is part of the reason people move out there to get some space, and to get away. In some cases, the benefit outweighs the cost. It's important to preserve it up front because people move in and then all of a sudden you get outvoted by the people coming in.

Mr. Ewert states that some requirements under the preservation section page 10 line 404, it talks about small open space potential community clubhouses or tennis courts, parks, the small pieces that would be allowed by the code.

Member of the public who did not state their name states that if these small pieces aren't very efficient they may never agriculture, has anyone considered doing a carbon credit type model where you identify a quality piece of ground where it can be farmed efficiently with its ideal for agriculture but you don't have to preserve a sliver of it as it gets developed. Developers in order to get his cluster approved buys into a portion of that and get sets it aside for agriculture. Mr. Ewert states that this idea is a quality idea and the Ogden Valley Commission had a great discussion about this. In the Ogden Valley area, they said through their general plan no more density. That doesn't mean no more houses, that means that you get to build at the base density that the zone allows you to. It's

challenging if you look at the Ogden Valley to conceptualize 1 unit every 3 acres which is what they are zoned for. Even more challenging is how do you they keep the open spaces that they want to. What they were discussing was the ability to get bonus density inside of their cluster and every additional unit that they are getting above and beyond what the zone allows they need to remove the potential off of some else's property. They've got record a preservation easement. We don't know for sure if they are going to adopt that, but your current general plan does talk about transferable development rights. If we are going to consider that, we are going to have to identify the properties that are most important to leave open. We go to the landowner and say sorry you can develop but we are going to develop a program that allows you to get made whole by somebody else buying your rights. Commissioner Borklund asks if this is similar to water rights. Mr. Ewert states that it is but we really don't want to have the county have to track all of that, instead we could do it through development agreements and preservation easements.

Mr. Christensen states that Mapleton has this in place. Mr. Ewert states Mapleton and Farmington have it. In Farmington, they have huge densities. He states that he tried to build a property there and they set a minimum acreage if you wanted to buy a piece of property and put it all in a subdivision and they had a list of the property owner and bought credits. Mr. Ewert states that is what the Ogden Valley General Plan says, that we need to maintain a list of people willing to sell their development rights. There is always the potential that gets us into a level of complication that we may not be ready for because we haven't developed a map that says these are our sending areas and these are receiving areas. These areas you can have more development on.

Mr. Ewert states that regarding agriculture preservation plan, we are not requiring agriculture to be there just the land to be preserved. If you have an agriculture preservation plan, we want to make sure there is a way to amend it without having to go through the subdivision process. I would be more like a land use permit or a conditional use permit. He states that when it comes to the width of the open space areas that are permanently preserved agricultural areas. Do we want big combines to be able to make 1 turn, 2 turns, 5 turns? Commissioner Heslop states that 1 turn in a combine is not efficient. Mr. Ewert states that possibly 3 would be better then. He points out that we would want to write a caveat If the current configuration of the whole subdivision of the whole area that can't be developed, that isn't wide enough you should at least to be able to turn around once.

He states that right now the code does not mandate pathways it is a bonus. A pathway should not be a bonus. The subdivision code requires sidewalks; it says it can be potentially deferred. He states that we are potentially putting ourselves in an odd spot. He states that he is not saying that we need to have sidewalks everywhere, we want somewhere for the public to walk everywhere out west. Commissioner Willener asks how a sidewalk curb and gutter concept versus a path curb and gutter concept differ? Is there a benefit to one over the other? Do you run issues if you prioritize pathways over sidewalks? Mr. Ewert states that regarding drainage issues it is about how to capture the water. It's all based on what type of slope there is. A pathway would be a preferred alternative for preserving the rural character.

Mr. Ewert gives an overview of changes made to the cluster subdivision amendments.

He states that regarding the open spaces page 4 167-171 nonagricultural cluster subdivisions, it is important to identify the areas that are prime for conserving. He outlines some additional types of open spaces on line 72.

Commissioner Heslop asks about having lots along the existing roadways larger than interior lots. Mr. Ewert states that they settled on 9000 as the standards across the board. Commissioner Heslop states that he would like to the larger lots along the existing roads. Mr. Ewert states that if it was existing at the point of application it needs to be wider. Commissioner Heslop states that it needs to be the roads that are primarily traveled. He wants to see consistency along those roads. Mr. Ewert agrees that if you stay wider in the front you won't be able to see what's in the back. Commissioner Heslop states that it may be a false image but we are doing this to get away from the 1 acre, the weed patches, and the junkyards. Commissioner Willener asks if you are coming down the main roadways, don't you want to limit the cars coming down those roads. If you are coming down to a quarter acre lot, your access to those main lots gets very congested. Mr. Ewert states that if you get wider there you are going to have to cram somewhere else or lose open space or lots. The developer could choose to shift a little bit to the other side and keep open space on the street. Commissioner Heslop states that along 2550 the subdivision has a

10 ft. fence for people's backyards. You can't see the size of the lots because it's a solid fence. He asks can we require a fence or a barrier along the streets. Mr. Ewert states that we don't want to require a fence that's marking the right of way. He states that open space berms might be a better option. Commissioner Heslop states that in Arizona they have an interesting concept they had road curb green space cut in half by a split rail fence with a sidewalk on the inside of the fence. On the other side of the sidewalk they had another 40 ft. of green space and then the houses started. Commissioner Willener asks if it is designed this way to help with flash flood and to protect homeowners. Mr. Ewert asks if along with this strip we see a lot of stormwater detention facilitates. Member of the public who did not state their name states that it is beautiful but who is going to maintain it long term. If you leave it for the HOA, the HOA goes bankrupt and who is going to maintain it. Commissioner Hancock states that it is something that can be taken from the developer. Member of the public who did not state their name states that if you were to require that you could get the density anyway, it might unify the community. It would make it look nice. Commissioner Willener states that if it incorporated with a trail system it makes sense. Mr. Ewert states that to the point of taking away from the developability it is open space, that isn't going to go in the agriculture land. Are we going to be okay with this? Commissioner Heslop states that if they become the retention basin to maintain the property and keep it in the development. Along 1800 we approved one parcel that has two major retention basin, we included that as part of their preservation parcel. He states that part of his concern is if you turn it over to horses and cows it's no longer a retention basin, and it's no longer going to hold any water. Mr. Ewert states that the other issue is we don't know what the grate is going to be and it might flow in the other direction. He states that we have a general definition of arterial street is and what an of a collector street is. Everything else is neighborhood road, the neighborhood roads won't be included in this.

Mr. Ewert asks regarding the 50 percent, and the 30 percent across the board as long as you have an additional 20 percent on top of the base open space. Commissioner Willener asks if they can get samples. She needs to see a visual because it's hard to relate to the numbers. She states that she wants to see what it would do to the numbers. She needs to see it before she can make a decision.

Mr. Christensen asks if they can set a deadline to approve whatever density they are comfortable with. If he submits his sketch plan before the deadline, he can use the old ordinance. He states that he has invested a lot of time working with his landowners. He states that he will play by the rules but he needs to know what the rules are. Commissioner Heslop ask don't we have a time limit; by which we need to adopt this. Mr. Ewert states that it is 180 days. He states that we don't adopt it in 180 days, we just can't withhold the ability for them submit an application. He states that the deadline is in May. Commissioner Heslop states that if we need to have additional work sessions it needs to get done because he doesn't want to have anything approved like the 65ft wide acres and 12 fence lines. Commissioner Andreotti states that he appreciates the public attending because we need to find a balance. The public opinion often is the opposite of the discussions. Commissioner Willener states that it conceptual for her and she wants to see what she is doing to the public and developer.

WS3. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action. -Postponed

WS4. DISCUSSION: Modifications to the definition of "Height of Building" and additional clarification regarding standards and regulations governing the height of a building and Public Utility Substation. -Postponed

WS5. (Time pending): Continuation of General Plan Review and Training. -Postponed

Work session Adjourned 8:27

Respectfully Submitted

Marta Borchert

Approved 4.10.2018