



## WESTERN WEBER PLANNING COMMISSION MEETING

### MEETING AGENDA

**December 14, 2021**

**4:30 p.m. Premeeting/ Regular meeting 5:00 p.m.**

- *Pledge of Allegiance*
- *Roll Call:*

**1. Minutes:** November 9, 2021; November 16, 2021

**Petitions, Applications, and Public Hearings:**

**2. Administrative items:**

**2.1 LVS080221** - Consideration and action on final approval of TC Gailey Subdivision (6 lots) located at 1400 S 2900 W.  
**Presenter Felix Lleverino. Applicant Jed Schenck, Representative Chris Cave**

**2.2 LVB110921** - Consideration and action of preliminary approval of Buffalo Run Subdivision (18 lots) located at 2400 S 4700 W.  
**Presenter, Felix Lleverino; Applicant, James Marziale**

**2.3 LVT111717:** Request for final approval of Terakee Farm PRUD Subdivision Phase 1 – **Presenter Steve Burton; Applicant, Brad Blanch**

**Petitions, Applications, and Public Hearings:**

**3. Legislative Items:**

**3.1 ZMA 2021-05:** Public hearing for a proposal to rezone 5.08 acres from A-2 to M-2 –**Presenter, Steve Burton; Applicant, Randy Ropelato**

**4. Work Session**

**4.1 ZTA 2021-10:** Discussion regarding the county-led text amendment to add a definition and regulatory language to the Land Use Code regarding Large Concentrated Animal Feeding Operations. **Staff Presenters: Charlie Ewert & Scott Perkes**

**4.2 ZTA 2021-11:** Discussion regarding the county-led text amendment to the Accessory Dwelling Unit Ordinance to restrict the transfer of density rights from outside for the Ogden Valley floor for the purposes of increasing a subject property's base density and the construction of detached accessory dwelling units **Staff Presenters: Charlie Ewert & Scott Perkes**

**5. Public Comment for Items not on the Agenda:**

**6. Remarks from Planning Commissioners:**

**7. Planning Director Report:**

**8. Remarks from Legal Counsel**

**Adjourn**

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*

*Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8371 before the meeting if you have questions or comments regarding an item.*

**A Pre-Meeting will be held at 4:30 p.m.** The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. **The County Commissioners will be present to discuss economic development in the pre-meeting**  
No decisions are made in the pre-meeting, but it is an open public meeting.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8371***

## **Meeting Procedures**

### **Outline of Meeting Procedures:**

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### **Role of Staff:**

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### **Role of the Applicant:**

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### **Role of the Planning Commission:**

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### **Public Comment:**

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### **Planning Commission Action:**

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## **Commenting at Public Meetings and Public Hearings**

**Public comment may NOT be heard during Administrative items, the Planning Division Project Manager may be reached at 801-399-8371 before the meeting if you have questions or comments regarding an item.**

### **Address the Decision Makers:**

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

### **Speak to the Point:**

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

### **Handouts:**

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

### **Remember Your Objective:**

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

WESTERN WEBER PLANNING COMMISSION

Minutes for Western Weber Planning Commission meeting of November 9, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 4:30 pm

Members Present: Andrew Favero--Chair  
Bren Edwards-- Vice Chair  
Wayne Andreotti  
Greg Bell  
Chad Call  
Sarah Wichern

Excused: Jed McCormick

Pledge of Allegiance

Staff Present: Charlie Ewert, Principal Planner; Liam Keogh, Attorney; Scott Perkes, Planner; June Nelson. Secretary

1. Minutes were approved October 12, 2021, 6-0.

Petitions, Applications, and Public Hearings:

2. Legislative Items

**2.1 ZTA 2021-08:** A county-initiated proposal to amend various sections of the County's zoning ordinance to adjust and clarify permitted and conditional uses as well as the site development standards in the manufacturing zones (MV-1, M-1, M-2, & M-3) along with a county-initiated proposal to amend the Unified Land Use Code's definitions of a "Lot of Record"; **Staff Presenters: Charlie Ewert & Scott Perkes**

This County-driven text amendment (see **Exhibit A**) has been undertaken primarily due to interest having been shown from a food processing and manufacturing company that is looking to potentially locate in the Manufacturing zoned areas of western weber county. However, certain provisions of the existing manufacturing zoning ordinance have been identified as concerns for a potential food processing/manufacturing operation. As such, staff have combed through the existing ordinance and identified several amendments and clarifications needed to not only facilitate a food processing/manufacturing operation within a modified M-2 zoning classification, but to also prepare for other potential mixed-uses that are likely to locate within the manufacturing areas of west weber county. In addition to the food processing/manufacturing provisions and protections, other general improvements and clarifications have been proposed to allow the manufacturing zoning ordinance to be consistent with that which has already been done with the agricultural zoning ordinance, and that which is desired for the commercial zoning ordinance through future amendments.

Clerical Edits (House Keeping):

With all text amendments, there are a certain number of clerical edits that are proposed to adjust overall ordinance formatting and to clarify both existing and proposed language. These clerical edits can be found in various sections of the proposed ordinance and are generally "House Keeping" in nature.

Edits to Add/Edit Definitions for Terms Within the Land Use Code:

- A new definition has been added for a "Large concentrated animal feeding operation". This new definition matches that which has been established under state code and is needed due to the current lack of a definition under the County's Land Use Code.
- An amended definition has been proposed for "Lot Frontage". This definition has been simplified and is being incorporated as a House Keeping item.
- An amended definition has been proposed for "Lot of Record". The amended definition is needed due to three separate reasons.

1) Adjustments to the existing paragraphs (d) &(e) are proposed as House Keeping adjustments to facilitate the identification of historic lots of record (grandfathered) that may have met the zoning at a

## WESTERN WEBER PLANNING COMMISSION

specific point in time (December 31, 1992) that represents a cut off of grandfathered rights.

2) The added paragraph (g) has been added as a reprieve to the platting requirements for especially large lots (>100 acres) that may accommodate larger scale developments.

3) The added paragraph (h) is proposed as a House Keeping provision to help existing unplatted lots of record to be adjusted without having to go through a full subdivision platting process.

Edits to the Application Requirements for Rezoning Procedures: This edit softens the requirements for applicants to provide a will-serve letter for water and sewer connectivity at the time of rezone application. This edit is proposed to allow large-scale projects to propose rezoning requests while working through water and sewer connections that may require larger infrastructure connections or the formation of a service district.

Additional Clarification to Zone Boundaries: The existing Sec.104-1-3 titled "Rules or Ordinance and Maps" has been separated into two sections (Sec. 104-1-2 "Boundaries of Zones" & Sec. 104-1-3 "Rules of Interpretation") for better formatting and clarity. These edits are House Keeping in nature.

Addition of New Section to the General Zoning Provisions in Section 104-1: Subsection 104-1-5 (Large Concentrated Animal Feed Operation) is proposed as an addition to the land use code and is considered a House Keeping item.

State code recently changed (2021 General Session) requiring Counties to adopt a large concentrated animal feeding operation land use ordinance by no later than February 1, 2022. The proposed added language is simply addressing this state requirement prior to the deadline.

Edits to the Manufacturing Zoning Ordinance Use Tables: The language in the header paragraph for the proposed manufacturing zoning use tables has been updated to provide specificities related to uses found in the tables and to clearly indicate that all uses are considered "indoor" unless explicitly stated otherwise with the terms "outdoor" or "yard".

The current manufacturing zoning use tables are proposed to be repealed in place of the proposed tables. The proposed tables have been reformatted and recategorized under a logical hierarchy of manufacturing uses and include minor adjustments to permitted, conditionally-permitted, and not-permitted uses. These minor adjustments have been selective and intentional to further stratify and create a distinct separation between the M-1, M-2, and M-3 zones. Special attention has been placed on the allowances and protections surrounding food processing/manufacturing within the M-2 classification. More specifically, proposed adjustments have been selected to ensure potentially impactful manufacturing uses (inks, paints, chemicals, odorous processes, dust generation, etc.) are adequately separated and mitigated from impacting food processing/manufacturing uses.

Edits to the Manufacturing Zones Special Regulations: A special regulation is proposed for a Automobile Wrecking Yard or Junkyard use. This special regulation intends to help further mitigate and separate such a use from other uses in the M zones as well as other adjacent zoning classifications.

Additional edits to the manufacturing zones special regulations include a separation of requirements for a "Mixing Plant for Certain Construction Material" and a "Mixing Facility for Asphalt or Concrete, Temporary".

Edits to the Manufacturing Zoning Site Development Standards: These edits remove a minimum lot width requirement and clarify setback requirements based on a lot's proximity to existing or planned rights-of-way/s or residential zones. These adjustments are house keeping in nature, but also anticipate and facilitate a variety of manufacturing uses in the County.

Edits to the Application and Review Section of the Design Review Chapter: The proposal adds a provision to the application and review section of the Design Review chapter. This added provision will allow the Design Review requirements to be waived or modified by the County Commission by means of an executed and recorded development agreement.

Edits to the Cluster Subdivision Lot Development Standards: These edits are House Keeping in nature and address an omission in rear yard setback requirements for accessory buildings in cluster subdivided lots. This adjustment brings the setback requirements into alignment with setbacks required for accessory buildings on all other lots-of record

**Reference to MV1 has been removed from this document, item 2.1 ZTA 2021-08 for further review by the Ogden Valley Planning Commission.**

Scott Perkes states that this item has some housekeeping items, and some other changes. The first item is an Amendment.

## AMENDMENT

### Sec 101-2-13 La Definitions

***Land use authority.*** The term "land use authority" means a person, board, commission,



agency, or other body designated by the local legislative body to act upon a land use application.

***Landscape plan.*** The term "landscape plan" means:

- (a) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (b) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (c) Number, type, maturity, and planted size of all landscape plantings; method of watering, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (d) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

**Large concentrated animal feeding operation.** The term "large concentrated animal feed operation" means the same as provided in the Large Concentrated Animal Feeding Operations Act of state code.

#### Sec 102-5-4 Application Requirements

- (a) A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.
- (b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:
  - (1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
  - (2) A proposed rezone to any zone may be required to be accompanied by a concept development plan, may be required in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan.
  - (3) ~~Letters of feasibility from the appropriate state or county agencies for water and wastewater.~~ A narrative explaining the potential for future access to water and wastewater facilities.
  - (4) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
  - (5) The applicant shall provide a narrative addressing the following information:
    - a. How is the change in compliance with the general plan?
    - b. Why should the present zoning be changed to allow this proposal?
    - c. How is the change in the public interest?
    - d. What conditions and circumstances have taken place in the general area since the general plan was adopted to warrant such a change?
    - e. How does this proposal promote the health, safety and welfare of the inhabitants of the county?
    - f. Project narrative describing the project vision.

## WESTERN WEBER PLANNING COMMISSION

Operation” of the Weber County County Code is hereby *added* as follows:

## ADOPTION

Sec 104-1-5 Large Concentrated Animal Feed Operation(*Added*)

A large concentrated animal feeding operation, as defined by UCA Section 17-27a-1102, is a use not permitted in any zone in Unincorporated Weber County. Considering all criteria of UCA Section 17-27a-1104, it has been determined that the geography and geometry of the densely populated areas of the county, both existing and planned, renders virtually no suitable locations for the siting of a large concentrated animal feeding operation except for higher elevations that are generally inhospitable for year-round animal operations.

Scott Perkes stated that we have an animal feed code, but not one for large, concentrated animal feed operations. The State has required that we have an item in our code or we will default to the State code. Commissioner Edwards states that he doesn't agree with this item. We already have some large dairy operations. There are existing agricultural zones, will those be allowed there? I do not want to limit a farmer from enlarging his heard if he would like to. What if they want to expand? Charlie Ewert says that current operations will be grandfathered in. Commissioner Edwards asks what if smaller ones want to expand. Commissioner Bell asks if this is already restricted. The legislature says that we need to have something in our code. As population grows, it will push out operations. Many dairy farmers have left areas because of problems from neighbors moving close to their farms. It could also be pigs, chickens, turkeys or other livestock. Commissioner Favero states that this item needs more discussion. We should exclude it until another time. Attorney Liam Keogh says that the state deadline to include this is February 1, 2022.

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  - (3) ~~Letters of feasibility from the appropriate state or county agencies for water and wastewater.~~ A narrative explaining the potential for future access to water and wastewater facilities.
  - (4) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
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    - d. What conditions and circumstances have taken place in the general area since the general plan was adopted to warrant such a change?
    - e. How does this proposal promote the health, safety and welfare of the inhabitants of the county?

## f. Project narrative describing the project vision.

Scott, next item is lot frontage.

***Lot, frontage.*** The term "~~frontage~~ lot frontage" also referred herein as "street frontage" or "street frontage of a lot," means the yard lot line ~~all the property fronting or~~ abutting one side of ~~the~~a street ~~and/or~~ right-of-way. ~~No lot shall utilize any part of the temporary end or dead end of a street for frontage. At no point shall the frontage be less than 50 feet, and shall meet the lot width at the front yard setback.~~

- (a) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder ~~in between January 1, 1966, and June 30~~ on December 31, 1992, which complied with the zoning requirements in effect on the same date at the time ~~of its creation and was shown to be the first or second division of a larger parent parcel;~~ or
- (b) A parcel or lot that was created in its current size and configuration and contained a lawfully permitted single-family dwelling prior to ~~July 1~~ December 31, 1992; ~~or~~
- (c) A parcel of real property that contains at least 100 acres;
- (d) A parcel or /lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record; or. -

A parcel or lot that meets the criteria of (a) through (g) of this definition may reconfigured as long as:

- (1) The reconfiguration does not make the parcel or lot more nonconforming;
- (2) No new lot or parcel is created; and
- (3) All affected property is outside of a platted subdivision.

Scott Perkes says that the next item is:

#### Sec 102-5-4 Application Requirements

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- (b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:
  - (1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
  - (2) A proposed rezone to any zone may be required to be accompanied by a concept development plan, may be required in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan.
  - (3) ~~Letters of feasibility from the appropriate state or county agencies for water and wastewater.~~ A narrative explaining the potential for future access to water and wastewater facilities.
  - (4) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
  - (5) The applicant shall provide a narrative addressing the following information:

## WESTERN WEBER PLANNING COMMISSION

- a. How is the change in compliance with the general plan?
- b. Why should the present zoning be changed to allow this proposal?
- c. How is the change in the public interest?
- d. What conditions and circumstances have taken place in the general area since the general plan was adopted to warrant such a change?
- e. How does this proposal promote the health, safety and welfare of the inhabitants of the county?
- f. Project narrative describing the project vision.

Commissioner Edwards says that the problem is that you can't just go and create a new water district. You must go through the state. My concern is for the infrastructure. The state has a process that you have to go through. Commissioner Wichern says that the biggest problem is feasibility and will serve. I want that information from the water company not the developer. Commissioner Edwards asked if we are creating more problems or issues. Commissioner Bell says that with this, we have granted rights. If we grant a rezone, we want to make sure that this is feasible. Charlie Ewert states that we have rezone without the feasibility of water or sewer. It is not a matter of if they can access it. We just want the applicant to tell us what their plan is for water and sewer. Commissioner Edwards says that he would much rather leave it like it is. He is also concerned about emergency services. Can they handle the development? Mr Ewert reminds us that there are fees attached to the application. This is just a requirement for the application. After much discussion Mr Ewert says that they will revise this item. We can add an expiration to the rezone. There are large areas tied to residential, they can't build without water and sewer. We want to set the community up to succeed. Commissioner Edwards's states that he doesn't like that way that it is presented. Mr Ewert says that he can rewrite this section and go back later.

Scott Perkes says that the next item is:

The following is just adding clarification.

### Sec 104-1-2 Boundaries Of Zones

- (a) The boundaries of each of the said zones are hereby established as described herein or as shown on the maps entitled "Zoning Map of Weber County", which map or maps are attached and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as if fully described and detailed herein.
- (b) Where uncertainty exists as to the boundary of any zone, the following rules shall apply:
  - (1) Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
  - (2) Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
  - (3) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
  - (4) Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map.

**Editors Note: Ord. No. 2021-XX consolidated the text that was in Section 104-1-3 Rules or Ordinance And Maps into this Section 104-1-2 Boundaries Of Zones, and changed Section**

104-1-3 to Rules of Interpretation

Scott Perkes says that we are just making clarifications to this section. There is no new language. If it is not listed, it is not allowed.

The next item is on page 8. It is the heading.

In the following tables of possible uses, a use designated in any zone as "P" is a permitted use. A use designated in any zone as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use Code. Uses designated as "N" will not be allowed in that respective zone. Unless more specifically regulated in the following table, any use listed as "P" in the C-3 zone is a permitted use in each manufacturing zone, and any use listed as "C" in the C-3 zone is a conditional use. All uses listed are indoor uses unless explicitly stated otherwise with the terms "outdoor" or "yard." When a use fits more than one use listed in these tables, the more specific or more restrictive provision applies. In all manufacturing zones, any manufacturing process that will result in odors, dust, fumes, or other airborne contaminants that have the potential of negatively affecting the manufacturing of food products intended for human consumption, or the work environment in which such manufacturing occurs, shall provide mechanisms, by installation or otherwise, that will keep the airborne contaminants from leaving the site.

Commissioner Wichern asks what the standard for smell is. How is this enforced? Scott Perkes says that the language is important to keep in mind. Mr Ewert says that if it created a smell that is a foul odor a food manufacture would need to contain it. This ordinance would apply to the M zones. A potential company has asked for this legislation. We have buffers to keep this away from residents. Commissioners Bell and Edwards asks if we are adjusting this code for only one manufacture. Mr Ewert says that he feels that this legislation will protect everyone. Commissioner Wichern states that this is really only targeted to one manufacture. Charlie Ewert says that we have to look at the greater public good. How will this benefit the community? Commissioner Edwards states that he feels that this is being rammed down our throats. Commissioner Bell thinks that the language is specific enough. Charlie Ewert says that all manufacturers should have safeguards in place to protect the environment. Odor is subjective. We are focusing on M2 just because of food manufacturing. We are not writing a blank check. They are moving to 120 acres of property.

Scott Perkes. In the next area, we looked for duplication and updated terms. This is for tables on page 8 and 9.

(a) Accessory Uses.

	MV-1	M-1	M-2	M-3	SPECIAL PROVISIONS
<u>Accessory use customarily incidental to a main use. Including an accessory building incidental to the use of a main building, and a main building designed or used to accommodate the main use to which the premises are devoted.</u>	P	P	P	P	

## WESTERN WEBER PLANNING COMMISSION

<u>Dwelling unit for night watchman or guard and family.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 104-21-4.</u>
<u>Retail sales, limited.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 104-21-4.</u>
<u>Temporary building for uses incidental to construction work.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>The buildings must be removed upon completion or abandonment of the construction work.</u>

(b) Aeronautical, Space-Based, or Defense-Based Manufacturing.

	<u>MV-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<u>SPECIAL PROVISIONS</u>
<u>Aircraft engine testing, including jet, missile and chemical engines.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<u>Aircraft or aircraft parts manufacturing.</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.</u>
<u>Missiles and missile parts.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<u>Space craft and space craft parts manufacturing.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>

(a) Animal Byproduct Harvesting, Processing, or Refining.

	<u>MV-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<u>SPECIAL PROVISIONS</u>
<u>Animal byproduct manufacturing, generally.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<u>Fat rendering.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>

No discussion on those items.

Next is page 10.

	<u>MV-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<u>SPECIAL PROVISIONS</u>
<u>Animal hospital.</u>	P	P	P	P	
<u>Farm for the raising and grazing of horses, cattle, sheep or goats.</u>	N	N	C	C	
<u>Kennel.</u>	P	P	P	P	
<u>Large concentrated animal feed operation.</u> The siting of a large concentrated animal feed operation, as defined by State Code.	N	N	N	N	See Section 104-1-5.
<u>Stockyards.</u>	N	N	N	C	This use shall be located at least 600 feet from any zone boundary.
<u>Slaughterhouse.</u>	N	N	N	C	This use shall be located at least 600 feet from any zone boundary.
<u>Veterinarian and small animal grooming.</u>	P	P	P	P	

Charlie Ewert states that they can pull out the large concentrated animal feed operation off of this chart as well. There is a difference between using a product and manufacturing a product. Commissioner Bell states that certain manufacture process should be listed not products. Other commissioners said that they were concerned about the quantity of the products being produced. Commissioners have questions about the stockyards and slaughterhouse. Is this large scale? Does it come down to quantity? Commissioner Bell states that this is all part of a drive for a potential manufacturer. Are we limiting other businesses by making these changes? Charlie Ewert says that we are looking at the future of the M2 zone. We are making a buffer between the M2 zone and the agriculture zone. Planners say that most of these proposed changes are in support of this one manufacturer.

Commissioner Favero asks if we should open the Public Hearing.

**Commissioner Edwards motions to open the Public Hearing. Commissioner Wichern seconds the motion. All voted yes. 6-0. Motion Passes.**

Kate Duncan represents the company that would like to come to Weber County. She is concerned that the Planning Commission is not supportive of the changes that are being requested. She states that they have concerns about the things around them that could affect their product. She is happy to answer any questions for the Planning Commission. Commissioner Edwards states that they don't want to give the perception that they don't want this manufacturer here. There are lots of changes that will affect the area for a long time. We would normally go through a work session to make



these kind of changes. Kate Duncan states that the staff didn't think that the changes would be hard to swallow. We are hoping that we are the first manufacture of this kind to come here, but not the last. We are just looking at things that might be harmful to us in manufacturing our food product. One of the biggest concerns is the Hazardous products. The staff has been very supportive of us in making these changes

	<u>MV-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<u>SPECIAL PROVISIONS</u>
<u>Hazardous products. Chemicals, paints, inks, and other products that are or have potential of being combustible, explosive, oxidizers, organic peroxides, poisonous or infectious, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property or environment.</u>	N	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>

Commissioner Bell states that he likes the progression of the zones. It will provide a buffer for residential. We also have other manufactures in the M3 zone. We don't want the changes to hurt companies like Western Zirconium. We also don't want to eliminate other potential businesses. Commissioner Edwards says that the county initiated these changes. It would be easier to make these changes if we knew what was being manufactures. Kate Duncan says the company makes pasta sauce. Commissioner Andreotti says that he doesn't think that the changes will limit others from coming here. The more I look at it, I don't have a problem with it. Charlie Ewert states that the company is working with the land owner about this project. The land owner is on board with these changes. Commissioner Call states that we are making these zoning changes for everyone, not just one parcel. Commissioner Wichern states that we are doing a whole general plan for a certain company. Are we accomplishing that goal? We need to create communities and businesses. Kate Duncan says that this rule will apply to all. We don't want any odor to affect our product. Commissioner Wichern asks if their product may create an odor that might affect others. Kate Duncan says that this manufacturer makes pasta sauce. There will be filters to contain any odors. Commissioner Andreotti states that he has no objections to the changes. This area was set aside in the manufacturing zone. We are meeting the requirements for this manufacturer. We either reject it or do it. Commissioner Favero states that he has heard 4 commissioners (including himself) say that this buffering is necessary. This does separate what these manufacturers do.

**Chairman Favero asks for motion to close Public Hearing. Commissioner Andreotti motions to close the Public Hearing. Commissioner Bell seconds the motion. Motion passes 6-0.**

Commissioner Bell states that the M2 zone is necessary. He doesn't like changing the zone for 1 applicant. He is ok with a food manufacture being in the M2 zone. This table seems restrictive across all zones where it does not need to be. I am ok with passing this. I would like a guarantee that we can talk about this later. Commissioner Edwards says that he agrees except what if we make changes the affect this manufacture. Commissioner Call says that the Hazardous charts are vague and misleading. Charlie Ewert says that the chart is for manufacturing of these products, not the existence of these products. Commissioner Wichern states that the food manufacturer knows what they need for their business. If we want to attract other like businesses, we need to make adjustments. Charlie Ewert says that the company helped us to focus on needed changes to make it possible for their business as well as others to work in these zones. We didn't have enough time to make

some adjustments. Client found that some of the things in our current zoning would not work for their business. Commissioner Favero states that the changes make it more restrictive. That is the point. Most of the council seems to agree. Can we make an overlay zone to push this forward? Can we go back and make recommendations? Do we need to make a motion? Attorney Liam Keogh says that we need to make a recommendation or motion as presented or we can make changes. We can also change things in a different proposal. Commissioner Favero asks if we deny this or part, are we denying the other. Can we make an overlay with a 600 foot buffer zone for this property only? The applicant states the two items on the agenda are dependent on each other for this business. Existing code does not allow us to manufacture our product. If changes are not made, we may not be able to move forward. Charlie Ewert states that we will have to go back to make future adjustments. We have used a broad brush. We can bring up items in the next work session.

**Commissioner Favero calls for a motion. Commissioner Bell recommends positive recommendation to the County Commission regarding the proposed text amendment with some proposed changes. Exclude the definition in section 1 and all of section 7 regarding the large concentrated animal feed operation. Section 2, lot definitions, clarifications on lot of record. In section 3 reword the letter of feasibility to allow for an expiration of a minimum of 24 months. Add clarification to the header on the use tables that makes it clear odor, dust, fumes, and other air borne contaminants must be protected for both food manufacturers and other manufacturing companies. Based on the following findings:**

1. **The changes are supported by the 2003 West Central Weber General Plan.**
2. **The changes are necessary to address the growing needs of manufacturing uses looking to locate in Weber County.**
3. **The changes will enhance the general health and welfare of County residents.**

**Commissioner Call votes no, Commissioner Bell votes yes, Commissioner Edwards votes no, Commissioner Wichern votes yes, Commissioner Andreotti votes yes and Chairman Favero votes yes. Motion carries 4-0.**

**2.2 ZMA 2021-10:** A county-initiated request to rezone Parcel ID: 10-042-0001 from its current M-3 zoning classification to an M-2classification. **Staff Presenters: Charlie Ewert & Scott Perkes**

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

This report is a review of a County-initiated request to rezone approximately 186.67 acres from the M-3 zone to the M-2 zone at approximately 8300 West 900 South in the Reese area of Western Weber County. The purpose for the rezone is to allow the parcel to be developed for food processing/manufacturing uses within the M-2 zoning classification. The M-2 allowances and protections have been specifically crafted to provide an environment that has been designed to mitigate its impact on surrounding property and uses while also being protected from adjacent impacts that could jeopardize the quality of food being processed and manufactured on-site.

The rezone is keeping with the West Central Weber County General Plan, which suggests that industrial uses that are non-polluting are desirous as a means to increase and stabilize the tax base.<sup>1</sup>

Staff are recommending approval of the rezone, provided the any future development on the property is willing to enter into a development agreement.

A review of the existing uses and development in the vicinity of 8300 West and 900 South suggests that larger-scale manufacturing may be acceptable given the current general vacancy and large parcels/lots (100 + acres) surrounding the subject property.

**Water:** It is anticipated that, when developed, the land will be served by a new water improvement district established specifically for large-scale manufacturing operation/s in the region. No formal commitment for water is required at this time, but will be part of a future development process.

**Sanitary Sewer:** It is anticipated that, when developed, the land will be served by a new sewer improvement district established specifically for large-scale manufacturing operation/s in the region. No formal commitment for waste water treatment is required at this time, but will be part of a future development process.

**Access and traffic circulation:** Access to the site will be served by the existing 900/1200 South and a future extension of 8300 West. Access may also include a new rail spur that ties into the existing railroad right-of-way that runs along the property's southern property line. Transportation improvements that may be needed to accommodate future development on the subject property will be more specifically addressed through an associated development agreement.

Commissioner Edwards states that his concern is that we have a neighboring C1 land owner. There are many in the area who are not aware of this proposed change. Property owners within the required 500 feet of the property area were notified. It should be the applicant not the County bringing this forward. Commissioner Bell states that he struggles with the change without an applicant. Commissioner Wichern states that she thinks that M2 is more friendly than M3 zone. She has no

problem with this change or the county initiating this change. Charlie Ewert states this is supported by the land owner and the County Commission. Commissioner Andreotti states that he has no problem. The system is working with Economic Development and I am struggling with why we are worried about this. The tables will be changed again if needed. There is work that we need to do. It has been a great discussion. Commissioner Call says that he employees 60 people in Weber County. How do I change zoning to put my shops where I want? How many employees do I have to have? Charlie Ewert says 500+ jobs and 186 acres. Commissioner Favero says not to personalize this discussion. Commissioner Call says that there are a lot of things that needs to be addressed, not just for him, but for others as well. Commissioner Bell says that the County sees an opportunity. He doesn't agree with all the changes to the M2 zone. Commissioner Andreotti says that if the land owner didn't want this, these changes would not be happening. Commissioner Wichern says that the County Commission is looking out for all the County. This is a no brainer. The Commissioners are elected by the people. The people want jobs. Commissioner Edwards asks about water and sewer. I think that we are putting the cart before the horse. Scott Perkes says that the company will recycle as much water as possible. Charlie Ewert states that the land owner had culinary water. He also says that equality and equity are two different things. This is equity. Also residents want a buffer around the manufacturing zone and residential zone. This was also noticed in the paper.

**Commissioner Wichern motions to open the public hearing. Commissioner Andreotti seconds the motion. All voted in favor.**

No comments from the public

**Motion to close public hearing by Commissioner Bell and seconded by Commissioner Wichern. All in favor 6-0.**

**Commissioner Wichern motions the following: To make a recommendation to:**

That the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-10, a proposal to rezone approximately 186.67 acres from the M-3 zone to the M-2 zone. This recommendation comes with the following conditions and findings:

Conditions:

1. That a mutually agreeable development agreement, executed between a future developer of the subject property and the County, be recorded to the property that provides for negotiated and agreeable development terms for the County.

Findings:

2. The proposal complies with the general plan for the area.

3. The surrounding land uses do not pose a conflict with the proposed rezone, and the uses of the proposed rezoned area are anticipated to fit into the area harmoniously.
4. The proposed rezone is in the interest of the community's health, safety, and welfare.

**Commissioner Andreotti seconds the motion. Commissioner Bell, yes; Commissioner Edwards, yes; Commissioner Call, yes; Commissioner Wichern, yes; Commissioner Andreotti, yes; Commissioner Favero votes yes. Motion carries 6-0.**

**3. Public Comment for items not on the agenda.** Kate Duncan thanks Planning Commission and staff for all the hard work.

**4. Remark from Planning Commission:** Commissioner Andreotti asks about some construction in the area. Charlie Ewert says that they are some large agriculture buildings. The County is aware of them. Commissioner Edwards thanks the staff for all the hard work and the secretary for the minutes.

**5. Planning Director Report:** The Planning Commission did a great job and the Commissioners will take your thoughts into consideration. The General Plan will be updated in another Western Weber Planning Meeting. Please remember that we are going to Uintah Highlands on December 1, 2021. Commissioner Favero states that he would not have minded seeing at least one of the County Commissioners at the meeting tonight. Especially when this is County driven. Charlie Ewert states that Commissioner Froerer would have been happy to come.

**6. Remarks from Legal Counsel:** None

Motion to adjourn by Commissioner Bell. Seconded by Commissioner Wichern. All voted to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,  
*June Nelson*  
Lead Office Specialist

Minutes for Western Weber Planning Commission meeting of November 16, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm

Members Present:        Andrew Favero--Chair  
                                 Bren Edwards-- Vice Chair  
                                 Wayne Andreotti  
                                 Greg Bell  
                                 Chad Call  
                                 Jed McCormick  
                                 Sarah Wichern

Pledge of Allegiance

Staff Present: Rick Grover, Liam Keogh, Steve Burton, Scott Perkes, Tammy Aydelotte, June Nelson

This meeting was held on Zoom. Commissioner Bell joined late.

**Petitions, Applications, and Public Hearings:**

**1. Administrative items:**

- 1.1 LVA07192021** Request for a recommendation of final approval of Angie's Acres Subdivision, consisting of five lots, and a concurrent alternative access request. **Applicant: Larry Johnson, Presenter: Tammy Aydelotte, Planner**

10/12/2021 – Conditional preliminary approval granted by the Planning Commission.

An alternative access request was included with preliminary approval. However, in lieu of an access exception, the applicant will be dedicating a half-width of roadway along the northern subdivision boundary. Access will still be taken along the southern boundary of lots 3-5, with an access easement to be recorded with the final plat.

The applicant is requesting final approval of Angie's Acres Subdivision, a single-phase subdivision consisting of five lots, in the A-2 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Each of the proposed lots exceeds the minimum 40,000 square feet and 150 feet in width, as required for residential use in the A-2 zone. Two of the proposed lots do not front along a County road. LUC 108-7-31 allows for an access exception, granting access by a private right-of-way, if it is shown to be infeasible or impractical to extend a county road. Requiring a roadway through this subdivision would give a block of around 350 feet, less than the minimum required of 500 feet (LUC 106-2-3 Blocks).

Commissioner Wichern ask applicant Larry Johnson about alternant access. Mr Johnson states that this is a subdivision for 2 of his kids, a friend and a brother. We are giving up 33 feet on the north for the County. We are planning on living here. This is what we want for this property. Commissioner Wichern asks if the other lot owners are aware that in the future they might have to pay to put a road in. Mr Johnson said that yes, they are aware and willing. Commission Edwards asks why we need an alternant access when there should be a road there. Commissioner Andreotti asks how big the alternant access will be. It will be 16 feet wide. Tammy Aydelotte says that Fire has given approval for a turnaround plan that was submitted. Mr Johnson says that there will be a hammerhead between lots 4 and 5. Commissioner Wichern says that she feels that we need to keep within the code and that she is having a hard time justifying this access. Director Grover states that in this situation the applicant has changed road dedication. He made concessions to the county. If you require access on the north side, they will have to install hard pavement. Planner Steve Burton says that most properties have frontage. This is not like a normal alternative access. The code does allow for this access. Commissioner Edwards asks what is unique about this access. Commissioner Call asks if the alternative access will be a private road. Tammy

Aydelotte says yes it will be a private road. Commissioner Andreotti states that he feels that this is within the code and that the owner should be able to face the homes to the south if they want. He has no problem as long as fire says that it is ok, and they have. Mr Johnson said that the reason for the alternant access is that the county planner suggested that they should apply for this alternant. We don't want a 66 foot road going down the middle of this subdivision. We have been willing to sign over property to the county for road access. Commissioner Call asks if the setbacks are different for front and back and which would apply in the case, since the back of their homes will be on the road. Tammy Aydelotte states that the setbacks are the same for the front and back of the property. The owners would have to look at the setbacks for the rear just as if it were the front. Mr Johnson states that this is ok with them. Commissioner Wichern says that this is complicated. Now the rear is the front. No more questions.

**Commissioner Favero calls for a motion. Commissioner Edwards motions to approve the subdivision of Angie's Acres based on staff recommendation and deny the access easement as it does not meet code 108-7-32.**

1. A signed deferral agreement for the roadway dedication shall be recorded with the final plat.
2. Unconditional final approval from West Warren-Warren shall be given prior to County Commission approval, or as signature on the final plat from the water company shall be obtained.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

**Commissioner McCormick, yes; Commissioner Call, yes; Commissioner Wichern, yes; Commissioner Andreotti, no; Commissioner Edwards, yes; Chair Favero, yes. Motion passes 5-1.**

**1.2 LVM04222021** Request for a recommendation of final approval of Mountain Views Land and Livestock Subdivision, consisting of 21 lots. **Applicant: John Price, Presenter: Tammy Aydelotte, Planner**

8/10/2021 – Preliminary approval was conditionally granted by the Planning Commission.

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single- family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-2 Zone, and is a lot averaged subdivision (LUC 106-2-4). Single-family dwellings are a permitted use in both zones.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone require a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision, the minimum requirements are as follows: Lot area in the A-2 zone – 20,000 square feet. Lot width in the A-2 zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

*1. The averaged area and width of all lots to comply with zone standards.* The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.

*2. Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

*3. The LUC § 106-1, and the A-2 zone standards in LUC § 104-2.* The proposed subdivision will create/continue two public streets. Curb, gutter, and sidewalk are proposed as part of this subdivision.

4. Review Agencies: Weber Fire District, and Engineering have approved this proposed subdivision. Surveying has reviewed, but not yet approved this proposed subdivision. Planning has recommended approval conditioned upon meeting all review agency requirements and conditions outlined in this staff report.

5. Culinary water, secondary water, and sanitary sewage disposal: West Warren-Warren Water has provided a will-serve letter that indicates approval of the proposed secondary water system, as well. An unconditional final approval letter, for culinary and secondary water, will be required prior to appearing before the County Commission for final approval. Weber-Morgan Health Department has issued feasibility for septic systems for this subdivision and will need to sign the subdivision plat before it can be recorded.

Applicant John Price states that everything was turned into Charlie Ewert and well as money committed. Tammy Aydelotte says that Fire has listed preliminary approval. Commissioner Andreotti asks about water. Mr Price states that they have their own secondary water.

**Commissioner Favero asks for a motion. Commissioner Edwards motions to approve based on staff recommendation.**

**Staff recommends final approval of Mountain Views Subdivision, a lot-averaged subdivision, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:**

1. **That prior to final plat recordation, a secondary egress is secured from the applicant as mutually agreed by the applicant and the County in an executed development agreement.**
2. **Prior to plat recordation, all required improvements shall either be installed or escrowed for, or a combination of both.**
3. **Prior to receiving final approval from the County Commission, the culinary water provider and secondary water provider approve of the project unconditionally, or sign the subdivision plat.**

**This recommendation is based on the following findings:**

1. **The proposed subdivision conforms to the Western Weber General Plan**
2. **The proposed subdivision complies with applicable county ordinances**

**Commissioner Andreotti seconded the motion. All Commissioners vote in favor. Motion passes 6-0**

**1.3 AAE 2021-12:** Review and action on a request for an Alternative Access Exception for a future 7-lot subdivision in the A-2 Zone at approximately 550 N. 5500 W. **Applicant: Derrick Oman; Staff Presenter: Scott Perkes**

**1.4 LVW090821:** Review and action on a request for preliminary approval of Warren Estates Subdivision consisting of 7 lots in the A-2 Zone at approximately 550 N. 5500 W. **Applicant: Derrick Oman; Staff Presenter: Scott Perkes**

The applicant is requesting both an approval of an Alternative Access Exception and a preliminary approval for Warren Estates Subdivision consisting of 7 lots in the A-2 zone.

The proposed subdivision (see **Exhibit A**) and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Commissioner Andreotti says that he has an interest in the irrigation ditch that runs through the property, but feels that he can remain neutral in voting.



Scott Perkes says that there is a joint staff report. The County Engineer didn't want any road too close to the canal. Fire requested a 26 foot wide road. Engineers also want a non-climbable fence. Commissioner Call asks if there will be a deferral agreement for the road and how will future land owners be aware of that agreement. Scott Perkes says that yes, there will be an agreement. That agreement can be found in a title search of the property. This is standard procedure. Price will be determined at the time the road will go public.

**Commissioner Favero asks for a motion. Commissioner Wichern motions to approve both request following staff recommendations.**

**Staff recommends approval of the requested Alternative Access Exception and preliminary approval of Warren Estates Subdivision. This recommendation is subject to all review agency requirements, and the following conditions:**

1. Prior to final approval, the applicant will need to provide a current Feasibility Letter from the health department that references each of the 7 lots.
2. An HOA will need to be registered with the state and proposed CC&Rs will need to be reviewed by County staff to verify long-term maintenance of the access easement has been addressed prior to the recording of a final plat mylar.
3. No-parking signs shall be installed along the no-climb fence along the southern boundary line.
4. Fire hydrants will need to be installed at a spacing of no more than 500' apart. These hydrants will need to be installed or escrowed for prior to the recording of the final plat mylar.
5. The proposed 26-foot wide access easement will need to be improved to the access standards of LUC Sec. 108-7-29 or escrowed for prior to the recording of the final plat mylar.
6. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the subdivision.
7. An improvement deferral agreement will need to be signed and recorded concurrently with the final plat mylar for curb, gutter, sidewalk, and asphalt for the subdivision's frontage with 5500 West.
8. Unconditional final approval letters will need to be provided by both West Warren-Warren Water Improvement District and Mountain View Irrigation for a 7-lot subdivision prior to recording the final plat mylar.
9. A no-climb fence along the southern boundary of the subdivision to protect the adjacent Weber River flood channel will need to be installed or escrowed for prior to recording the final plat mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

**Commissioner McCormick seconds the motion. All commissioners voted in favor. Motion passes 7-0.**

After the motion passed, Commissioner Andreotti had some questions about access to the irrigation canal that goes through one of the lots. The Commissioner asked if there was the usual access to the canal. The applicant said that there was. Commissioner Andreotti says that he feels that there needs to be enough access to get equipment into the area to provide maintenance to the ditch to keep it cleaned up and make sure that there are no leaks. On the adjacent property, there is a 5 foot easement on one side and a 20 foot on the other side so as to get equipment in. We would also need a gate that is at least 16 feet. Commissioners asked Counsel if we can go back and make an addition to the previous item to add this into the previous motion. We want to do it right the first time. Attorney Liam Keogh said that since we are still on the subject we have time to go back and make the necessary changes.

**Commissioner Wichern motions to go back and open the previous motion. Commissioner Andreotti seconds the motion. Commissioner McCormick, yes; Commissioner Call, yes; Commissioner Bell, yes; Commissioner Wichern, yes; Commissioner Andreotti, yes; Commissioner Edwards, no; Chair Favero, yes. Motion carries 6-1.**

**Commissioner Andreotti motions to approve with staff findings with the addition of the following: To include ditch access to be approved by county engineering to match Fenster Farm access of 20 feet on one side and 5 feet on the other side as well as include a gate of 16 feet.**

**Staff recommends approval of the requested Alternative Access Exception and preliminary approval of Warren Estates Subdivision. This recommendation is subject to all review agency requirements, and the following conditions:**

1. Prior to final approval, the applicant will need to provide a current Feasibility Letter from the health department that references each of the 7 lots.
2. An HOA will need to be registered with the state and proposed CC&Rs will need to be reviewed by County staff to verify long-term maintenance of the access easement has been addressed prior to the recording of a final plat mylar.
3. No-parking signs shall be installed along the no-climb fence along the southern boundary line.
4. Fire hydrants will need to be installed at a spacing of no more than 500' apart. These hydrants will need to be installed or escrowed for prior to the recording of the final plat mylar.
5. The proposed 26-foot wide access easement will need to be improved to the access standards of LUC Sec. 108-7-29 or escrowed for prior to the recording of the final plat mylar.
2. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the subdivision.
3. An improvement deferral agreement will need to be signed and recorded concurrently with the final plat mylar for curb, gutter, sidewalk, and asphalt for the subdivision's frontage with 5500 West.
4. Unconditional final approval letters will need to be provided by both West Warren-Warren Water Improvement District and Mountain View Irrigation for a 7-lot subdivision prior to recording the final plat mylar.
5. A no-climb fence along the southern boundary of the subdivision to protect the adjacent Weber River flood channel will need to be installed or escrowed for prior to recording the final plat mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

**Commissioner McCormick seconds the motion. All the commissioners voted in favor of the motion. Motion passes 7-0.**

3. **Public Comment for Items not on the Agenda:** Douglas Hansen states that he is concerned that as we approve more lots, that there is not going to be enough water. We are in a drought and yet these things keep getting approved. Are we considering how we are going to provide enough water for the future?

Commissioner Wichern says that she has the same concern. That we need to have more xeriscape options and be water wise. Commissioner Favero agrees and asks if there will be enough irrigation to support the people. We also have to remember that property owners have rights to do what they want with their property. Commissioner Edwards says that he is not an expert, but we rely on will serve letters from water companies to let us know if there is enough water for builders. Director Grover states that if it meets the ordinance requirements, we are obligated to approve it.

4. **Remarks from Planning Commissioners:** Commissioner Andreotti is concerned about affordability and impact fees. How do we address affordable housing? People need to own property.
5. **Planning Director Report:** A Calendar was sent out for 2022. Please look it over and let June or I know if you have any concerns about calendar dates. January 4 is a work meeting, and January 11 will be a regular meeting. After visiting with the County Commissioners, we would like to meet once a quarter with the Planning Commission and the County Commissioners. We would talk about items that are being fast tracked as well as any projects that the County Commissioners are supporting.

We will have a dinner during that meeting. It will start at 430 during the premeeting time and could go as long as 1 hour. We will have that first meeting on December 14, 2021, if you all are ok with that. Commissioner Favero thinks that will be a good opportunity. We also want to remind you of the Open House at Uintah Elementary on December 1, 2021.

**6. Remarks from Legal Counsel: None**

Motion to adjourn by Commissioner Andreotti; Seconded by Commissioner Wichern. All voted to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

*June Nelson*

Lead Office Specialist



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on final approval of TC Gailey Subdivision (6 lots) located at 1400 S 2900 W.  
**Agenda Date:** Tuesday, December 14, 2021  
**Applicant:** Jed Schenck (owner) Chis Cave (Authorized Representative)  
**File Number:** LVS080221

### Property Information

**Approximate Address:** 1400 South 2900 W  
**Project Area:** 8.60 acres  
**Zoning:** A-2  
**Existing Land Use:** Agricultural  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-060-0145  
**Township, Range, Section:** 6N, 2W, Sec 22

### Adjacent Land use

<b>North:</b>	Residential	<b>South:</b>	Agricultural/ Residential
<b>East:</b>	Agricultural/ Residential	<b>West:</b>	Residential

### Staff Information

**Report Presenter:** Felix Lleverino  
flleverino@co.weber.ut.us  
801-399-8767  
**Report Reviewer:** SB

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7 Definitions
- Title 104, (Zones) Chapter 2
- Title 106, Subdivisions

## Development History

On September 21<sup>st</sup>, 2021 this proposal was granted preliminary approval based on the following conditions:

- The developer will obtain a final will-serve letter from Taylor West Weber Water District.
  - The final will-serve letter from the District is included as Exhibit B.
- Wilson Irrigation and County Agencies design requirements must be followed when designing and installing the TC Gailey Subdivision pressurized irrigation system.
  - The irrigation plan will be presented to the planning commission and applicable county review agencies when it is complete. It is anticipated to be completed on December 8<sup>th</sup>, 2021.
- The developer submits a Geotechnical Report to provide a specification for roadway improvements.
  - County Engineering has waived this requirement.
- The subdivision plat depicts the 66' Future Public Right of Way and the Pathway Easement.
  - County Engineering and Planning held a meeting to discuss opportunities for a 66' future public right-of-way and pathway easement. It was decided that neither ROW or pathway segment is necessary within this development.

## Summary

The applicant is requesting final approval of TC Gailey Subdivision (6 lots) at approximately 1400 South 2900 West.

The applicant is requesting to divide a vacant 8.6-acre parcel and create 6 residential building lots. Each lot will front directly on a public road. Lots 1 and 2 front on 2900 West Street, lots 4 through 6 front on 1400 South Street, and lot 3 is designed as a corner lot (see Exhibit A).

Weber County Planning and Engineering discussed opportunities for ROW and pathway segments following a recommendation from the Planning Commission. It was decided that road and pathway segments are not required due to the favorable alternate option to align with 1400 South and 2900 West Streets. The option for a public future ROW is not required due to the proximity to the tracks and that the open land to the west will gain access from 2900 South Street.

The following section is the staff's analysis of the proposal.

## Analysis

**General Plan:** This proposal conforms to the General Plan by utilizing the existing zoning districts to help shape residential development in areas that are occupied by agricultural uses (see pages 2-12).

**Zoning:** The property is located within the A-2 Zone. The purpose of this zone is stated in the LUC §104-2.

*"The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible."*

**Site Development Standards:** The A-2 Zone requires a minimum of 40,000 square feet in area and a lot width of 150 feet per dwelling. Each lot within this proposal conforms to the minimum area and width requirements of the A-2 Zone.

**Road Dedication:** The property description for TC Gailey Subdivision extends into 2900 West Street. Section 106-2-2.1 (a) (1) requires that each street in a subdivision shall be dedicated to the county as a public street.

**Flood Zone:** This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood risk.

**Culinary Water:** Taylor West Weber Water District has provided a final will-serve letter stating that the District can serve culinary water for the entire TC Gailey Subdivision. Final approval will not be given until all of the requirements of the District are satisfied.

**Irrigation Water:** The developer will create a private irrigation system using four shares from Wilson Irrigation Company. Specification from Wilson Irrigation and County Agencies must be followed when designing the TC Gailey Subdivision pressurized irrigation system.

**Sewer Services:** Test pits and percolation test holes have been dug and monitored by the Weber-Morgan Health Department. Each lot is within the range of acceptability for the place of Wisconsin Mound System and an At-Grade absorption area.

**Review Agencies:** Weber County Surveying has submitted comments that will be addressed by a revised final subdivision plat. County Engineering and Planning are currently reviewing the final plat and construction drawings. Weber Fire and Health Departments approve of this development.

## Staff Recommendations

Staff recommends final approval of TC Gailey Subdivision, a proposal to create 6 residential lots. This recommendation is based on the following conditions:

1. The final plat included a signature block for Taylor West Weber Water District.
2. The pressurized irrigation system is approved by the County Engineer and Wilson Irrigation.
3. If applicable, The design of road widening improvements on 1400 S and 2900 W will follow County Engineering recommendations and the developer will complete or escrow for those improvements before recording the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan.
2. The proposed subdivision complies with the applicable County codes.
3. The subdivision conforms to zoning and subdivision ordinances.

## Exhibits

- A. TC Gailey Subdivision plat
- B. Final will serve culinary
- C. Construction drawings

## Area Map



Page 4 of 13







2815 WEST 3300 SOUTH  
WEST HAVEN, UTAH 84401  
801-731-1668  
12/6/2021

Weber County Planning Commission  
2380 Washington Boulevard  
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that **Final Will Serve** approval has been given and the district has the capacity to provide only culinary water for the T.C. Gailey Subdivision, a 6-lot subdivision. The proposed subdivision is at approx. 1400 South 2900 West, West Weber Utah. The plans have been reviewed and all installation must be according to the plans. Taylor West Weber Water specifications and standards must be followed in all installation procedures. Specifications and details are available at the district office. A pre-construction meeting is required. Inspections must be coordinated with Taylor West Weber Water.

Requirements Met:

- Plan review fee= \$100 per lot (\$600.00) **paid**
- Plan approval.
- Secondary water developmental agreement has been signed and agreed upon.

Requirements for final approval:

- Water rights impact fee= Must be paid before the subdivision is recorded and water service is provided. \$1,078.00 Per lot (\$6,468.00 Total).
- Secondary Water= Must install pressurized secondary water system according to the agreement and plans. No outdoor water use for irrigation purposes will be provided by Taylor West Weber Water. No occupancy to any home will be permitted without a pressurized system in operation.
- Impact fee=\$6,250.00 Per lot. This fee will be collected at the time building permits are requested. The fee includes the cost of the meter.
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

**FINAL APPROVAL AND SUBDIVISION APPROVAL MUST NOT BE ISSUED UNTIL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.** All fees must be paid before approval for construction of the water infrastructure is given. An escrow must be set up for the culinary and secondary infrastructure no funds shall be released without district approval. Final subdivision approval is subject to meeting all of the requirements of the district and all fees being paid and received. A **signature block** must be added to the recorded plat and signed by either a board member or the manager of Taylor West Weber Water.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Rogers".

Ryan Rogers – Manager

Taylor West Weber Water District





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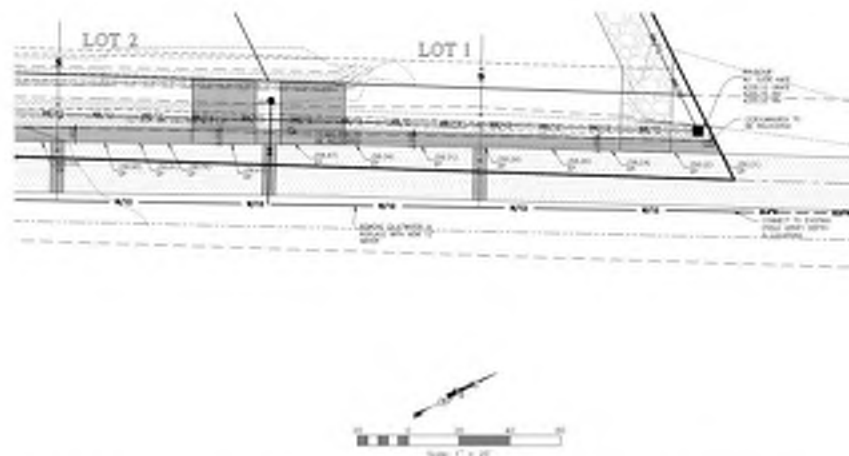
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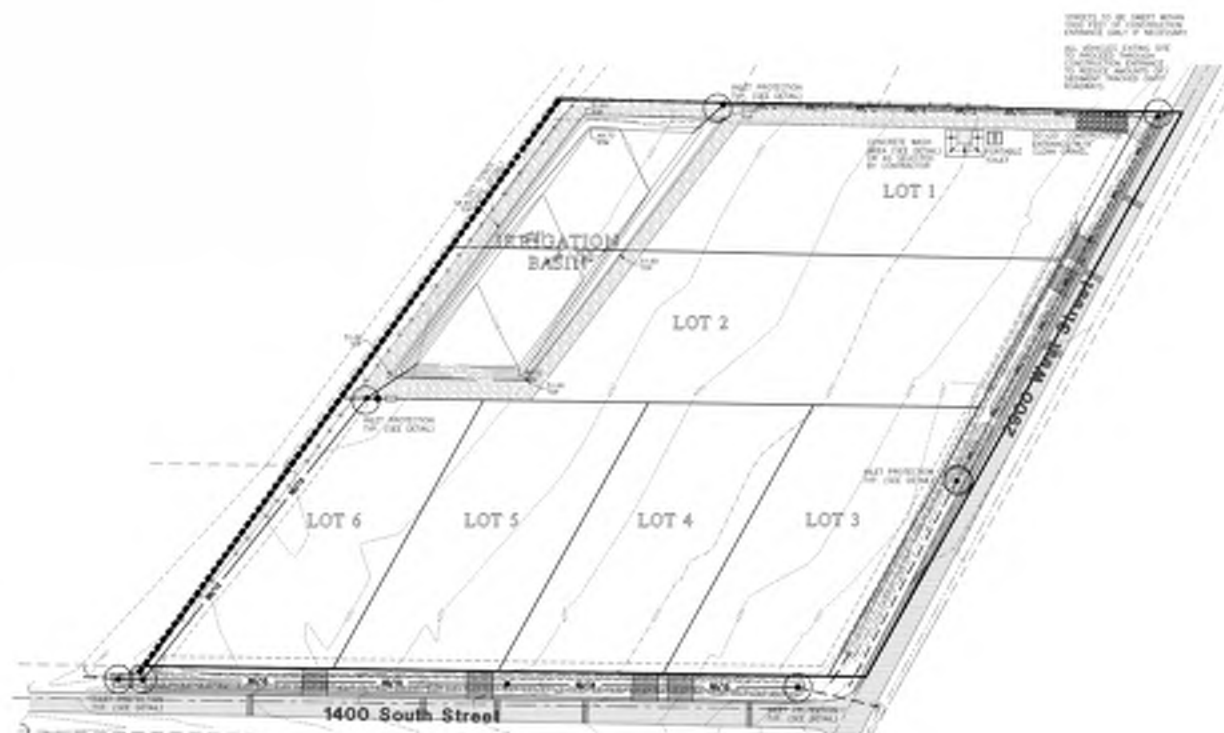


# TC GAILEY SUBDIVISION Storm Water Pollution Prevention Plan Exhibit

WEBER COUNTY, UTAH  
NOVEMBER, 2021



Vicinity Map  
NOT TO SCALE



## Construction Activity Schedule

PROJECT LOCATION	WEBER COUNTY, UTAH
PROJECT BEGINNING DATE	NOVEMBER 2021
PROJECT COMPLETION DATE	NOVEMBER 2021
CONSTRUCTION SCHEDULE	NOVEMBER 2021
CONSTRUCTION SCHEDULE	NOVEMBER 2021
CONSTRUCTION SCHEDULE	NOVEMBER 2021

**Reeve & Associates, Inc.**  
P.A.  
Professional Engineer  
No. 12345  
Utah  
1234 Main Street, Suite 500  
Salt Lake City, UT 84143  
Phone: (801) 123-4567  
Fax: (801) 123-4568  
Email: info@reevepa.com

REVISION	DESCRIPTION

**TC Gailey Subdivision**  
Storm Water Pollution  
Prevention Plan Exhibit



**Project Info:**  
Engineer: ANDREW L. DAVIES, P.E.  
Checker: S. FIDELL  
Drawn: S. FIDELL  
Date: NOVEMBER 2021  
Sheet: 6 of 6  
Project: TC Gailey Subdivision

6

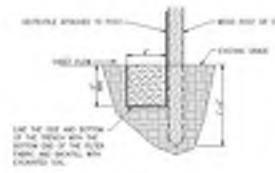
## Notes:

- Source of BMP's to protect storm water runoff.  
All storm water runoff to be protected by storm water barriers, or ground slope (see detail).
- Source of BMP's to minimize/eliminate construction of storm water flow:  
a. Equipment / building / concrete wash areas  
b. To be performed in designated areas only and surrounded with silt fence barriers.  
c. Not recommended for use. (See detail)  
d. If any construction is found to generate, contact environmental engineer and provide letter.  
e. Areas of construction shall:  
1. be performed in designated areas only and surrounded with silt fence.  
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10. be performed in designated areas only and surrounded with silt fence.
- BMP's for wind erosion.  
Stormwater and silt to be retained regularly to minimize / control wind erosion.
- Construction Methods and Equipment:  
a. Methods of construction equipment to prevent oil or other fluid leaks.  
b. Heavy construction equipment shall be equipped with oil and grease.  
c. Regularly inspect on-site vehicles and equipment for leaks, and repair immediately.  
d. Check equipment maintenance and equipment (including engine fluids, and engine and subcomponent related) for leaks of oil and fluids. Do not allow leaking fluids or equipment leaks.  
e. Regularly inspect and maintain, such as: engine, oil, and fuel, hydraulic, cleaning solution, antifreeze, antifreeze, antifreeze, and antifreeze.  
f. Fueling shall occur on-site, use designated areas only (see detail).  
g. Fueling shall occur on-site, use designated areas only (see detail) and the fuel volume.  
h. Lower material area with oil impregnated material and install it in a manner to ensure that any spill will be contained in the collection area. To catch spills or leaks when refueling or changing fluids.  
i. Use oil spill kits for any oil or fluid changes.
- Watering:  
a. Use oil spill kits for any oil or fluid changes.  
b. Watering shall occur on-site, use designated areas only (see detail) and the fuel volume.  
c. Lower material area with oil impregnated material and install it in a manner to ensure that any spill will be contained in the collection area. To catch spills or leaks when refueling or changing fluids.  
d. Use oil spill kits for any oil or fluid changes.
- Silt Prevention and Control:  
a. Minor Silt:  
Minor silt shall be removed by hand or by a vacuum or other means. When collecting hand emergency response, the following actions shall occur upon discovery of a minor spill:  
1. Control the spread of the spill.  
2. If the spill occurs on asphalt or impervious surfaces, clean up using "dry" methods (i.e. absorbent materials, oil spill, oil, or oil).  
3. If the spill occurs on dirt roads, immediately contain the spill by constructing an earth dike. Dig up and properly dispose of contaminated soil.  
4. If the spill occurs during rain, cover the impacted area to avoid runoff.  
5. Report all spill leaks to report and control spill.  
b. Major Silt:  
On-site personnel should be notified by radio or other means with the appropriate and qualified emergency response staff from project of the site. In the event of a major spill, the following actions shall occur upon discovery of a major spill:  
1. Report all spill leaks to report and control spill.  
2. Report all spill leaks to report and control spill.
- Post-Construction / Silt Control:  
a. Remove silt from construction area.  
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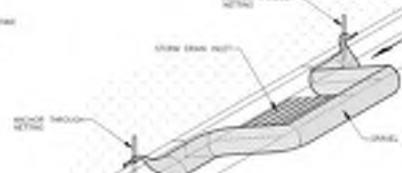


Perspective View

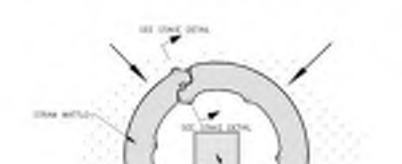
Figure 1



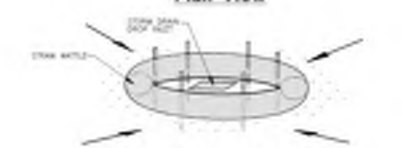
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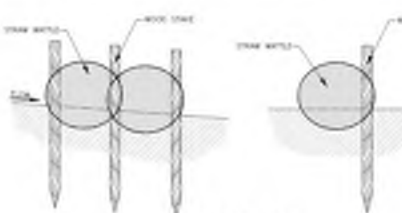
Inlet Box Protection



Plan View

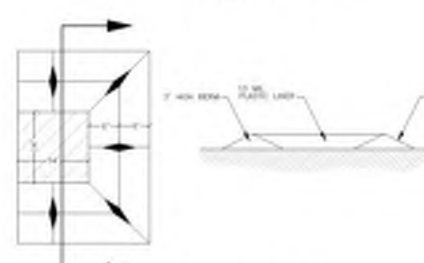


Drop Inlet Protection



Stake Detail

Silt Fence Detail



Concrete Washout Area  
w/ 10 mil Plastic Liner

Cross Section 50' x 20' Construction Entrance

SCALE: NONE

Reeve & Associates, Inc.  
RA  
10000 13th Avenue, Suite 100  
Denver, CO 80231  
Phone: 303.755.1100  
Fax: 303.755.1101  
www.reeveandassociates.com

REVISIONS  
DATE  
DESCRIPTION

TC Galley Subdivision  
Storm Water Pollution  
Prevention Plan Details



Project Info:  
Engineer: ANDREW J. QUIRE, P.E.  
Contract: TC GALLEY  
Design Date: NOVEMBER, 2011  
Drawing: TC GALLEY  
Subdivision: TC GALLEY  
Number: 1111-01

7

7 Total Sheets



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action of preliminary approval of Buffalo Run Subdivision (18 lots) located at 2400 S 4700 W.  
**Agenda Date:** Tuesday, December 14, 2021  
**Applicant:** James Marziale (Owner)  
**File Number:** LVB110921

### Property Information

**Approximate Address:** 4700 West 2400 South  
**Project Area:** 18.8 acres  
**Zoning:** A-1  
**Existing Land Use:** Agricultural/Residential  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-079-0120, 15-079-0121, 15-079-0122  
**Township, Range, Section:** 6N 2W Section 29

### Adjacent Land use

<b>North:</b>	Agricultural/ Residential	<b>South:</b>	Agricultural/ Residential
<b>East:</b>	Agricultural/ Residential	<b>West:</b>	Agricultural/ Residential

### Staff Information

**Report Presenter:** Felix Lleverino  
flleverino@co.weber.ut.us  
801-399-8767  
**Report Reviewer:** SB

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7 Definitions
- Title 104, (Zones) Chapter 2
- Title 106, Subdivisions

## Summary

The applicant is requesting preliminary approval of Buffalo Run Subdivision (18 lots) at approximately 2400 South 4700 West. The following section is the staff's analysis of the proposal.

## Analysis

**General Plan:** This proposal conforms to page 1-5 of the West Central Weber General Plan by placing residential development within areas that have a connection to sewer services while protecting property rights.

**Zoning:** The property is located within the A-1 Zone. The purpose of this zone is stated in the LUC §104-2.

*"The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."*

**Site Development Standards:**

### A-1 Zone:

Minimum lot width: 150 feet  
Minimum lot area: 40,000 square feet

### Connectivity Incentivized Subdivision:

Minimum lot width: 75 feet

Minimum lot area: 20,000 square feet

Each lot within the development conforms to the minimum lot size allowable by the zoning code and the connectivity incentivized subdivision code. The entire subdivision area, including roads, amounts to 18.83 acres, the base density of 18.83 acres results in the maximum number of 20 lots.

During preliminary pre-application meetings, the planning division made several recommendations for public road connectivity. The developer voluntarily designed the street layout to conform with the Weber County Planning and Engineering's street layout. Section 106-2-4.30 contains provisions for a developer to use up to 1.8 acres taken up by roads towards the net developable acreage.

**Flood Zone:** This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

**Culinary Water:** Taylor West Weber Water District has provided a preliminary will-serve letter stating that the District has the capacity to serve culinary water for the entire Buffalo Run Subdivision (18 lots). Their preliminary will-serve letter expires on February 23<sup>rd</sup> 2022.

**Irrigation Water:** Hooper Irrigation Company has provided a preliminary will-serve letter for the entire 18 lot Buffalo Run Subdivision (see Exhibit C). There are sufficient Hooper Irrigation shares with the property. There are ditches, tailwater, drain, and waste ditches that would need to be piped with a minimum of 18" pipes. A final will-serve letter will be provided after all plans have received final approval, fees paid, and water shares turned.

**Sewer Services:** Central Weber Sewer District has provided a will-serve letter stating that the District has the capacity to serve this 18-lot development. The District will need to approve the connection plans and inspect the connection. This project will need to be annexed into the district.

**Review Agencies:** The Weber County Planning Division has posted preliminary comments that will be addressed by plat revisions. Weber County Engineering comments are related to subdivision improvements for which the civil plans will be reviewed following preliminary approval. The County Surveying Department will conduct a formal review of the final subdivision plat. The Weber Fire District requires that the developer contact them to verify fire hydrant spacing.

## **Staff Recommendations**

Staff recommends preliminary approval of Buffalo Run Subdivision, a proposal to create 18 residential lots. This recommendation is based on the following conditions:

1. A final subdivision plat and civil plans are under review by all applicable County review agencies.
2. An annexation plat, bringing land into the Central Weber Sewer Improvement District, is under review by the County Surveyor's Office.
3. Before Buffalo Run may return for final approval, Taylor West Weber Water District shall provide a final will-serve letter.
4. The final plat and civil plans are submitted to Hooper Irrigation.

This recommendation is based on the following findings:

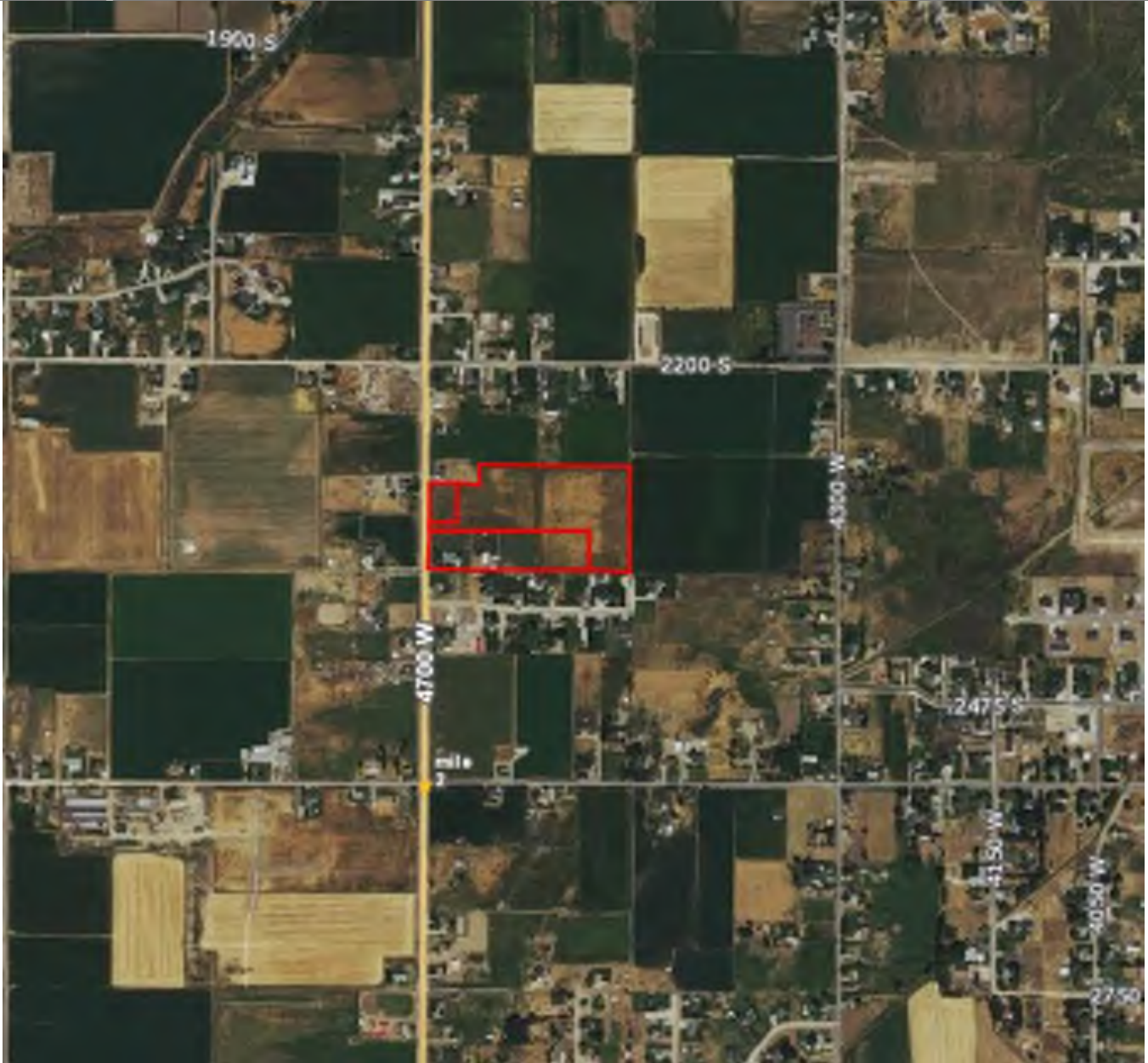
1. The proposed subdivision conforms to the West Central Weber General Plan.
2. The proposed subdivision complies with the applicable County codes.
3. The subdivision conforms to zoning and subdivision ordinances.



## Exhibits

- A. Buffalo Run Subdivision preliminary plat
- B. Will serve Culinary
- C. Will serve secondary
- D. Will serve sewer

## Area Map



[illegible]



2815 WEST 3300 SOUTH  
WEST HAVEN, UTAH 84401  
801-731-1668  
8/23/2021

Weber County Planning Commission  
2380 Washington Boulevard  
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that **PRELIMINARY** approval has been given and the district has the capacity to provide only culinary water for Buffalo Run Acres Subdivision, an 18-lot subdivision lot 18 is an existing home that we service at this time. Taylor West Weber Water has the capacity to service the 17 new proposed lots at approx. 2300 S. 4700 W. Taylor. By means of a 14" water main on 4700 W. Taylor West Weber Water specifications and standards must be followed in all installation procedures.

Requirements:

- Plan review fee= \$100 per lot (\$1,700.00)
- Water rights impact fee= Must be paid before the subdivision is recorded and service is provided. \$4,363.00 per lot. Based on current impact fee. Fees change Sept. 13, 2021
- Secondary Water= Must connect to Hooper Irrigation for pressurized secondary water.
- Impact fee=\$5,703 Per lot. This fee will be collected at the time building permits are requested. The fee includes the cost of the meter. Fees change Sept. 13, 2021.
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

**FINAL APPROVAL AND SUBDIVISION APPROVAL MUST NOT BE ISSUED UNTIL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.** All fees must be paid before approval for construction is given. An escrow must be set up for the culinary and secondary infrastructure no funds shall be released without district approval. Final subdivision approval is subject to meeting all of the requirements of the district and all fees being paid and received. A **signature block** must be added to the recorded plat and signed by either a board member or the manager of Taylor West Weber Water. This letter expires six months from the date it is issued.

Expires 2/23/2022

Sincerely,

Ryan Rogers – Manager

Taylor West Weber Water District





PO Box 184	Phone: (801)985-8429
5375 S 5500 W	Fax: (801)985-3556
Hooper, Utah 84315	<a href="mailto:hooperirrigationco@msn.com">hooperirrigationco@msn.com</a>

December 2, 2021

Weber County Planning Commission  
2380 Washington Blvd, #240  
Ogden, Utah 84401

RE: PRELIMINARY WILL SERVE LETTER – Buffalo Run Subdivision

The Buffalo Run development is located at 2350 South and 4700 West approximately and consists of 18 building lots. The subdivision is in the boundaries of the Hooper Irrigation Company service area. A formal application has been made to our office and an escrow for application has been paid.

The subdivision plat plan has been reviewed by Hooper Irrigation. The preliminary plans have been conditionally approved for the above subdivision with some minor changes needed. There are sufficient shares affiliated with the property to connect to the secondary pressurized system and the shares are in good standing. There are private ditches, tailwater, drain, and/or waste ditches, on the property that would need to be piped to ensure a continuation of water flow for irrigation users. The existing ditches have been discussed with the developer at a Hooper Irrigation Board Meeting. The existing ditches which require piping, must be a minimum of 18" RCP pipe according to Hooper Irrigation standards and specs. Only this project is in consideration and guaranteed service and the plan review is good only for a period of one year from the date of this letter, if not constructed. A final will serve letter will follow this letter after all plans have received final approval, fees have been paid, and water shares have been turned in to Hooper Irrigation.

Hooper Irrigation's specifications are available at the Company office.

If you have questions, please call 801-985-8429.

Sincerely,

Michelle Pinkston  
Office Manager  
Board Secretary





## Central Weber Sewer Improvement District

July 28, 2021

Chad Myerhoffer  
Weber County Planning Commission  
2380 Washington Blvd #240, Ogden, UT 84401

SUBJECT: Buffalo Run  
Sanitary Sewer Service  
Will Serve Letter

Chad:

At the request of Jim Marziale, we have reviewed a subdivision plan for Buffalo Run of 18 residences lots located at approximate address. 2360 S 4700 W. We require annexation into the district and offer the following comments regarding Central Weber providing sanitary sewer service.

1. Central Weber has the capacity to treat the sanitary sewer flow from this subdivision.
2. If any connection is made directly into Central Weber's line the connection must be inspected by Central Weber while the work is being done. A minimum of 48-hour notice for inspection shall be given to Central Weber prior to any work associated with the connection.
3. Central Weber will not take ownership or responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

*Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.*

5. The entire parcel of property to be served will need to be annexed into the District prior to any connection to the District's line. This annexation must be complete before the sale of any lots in the subdivision.



## Central Weber Sewer Improvement District

6. Impact fees will need to be paid to Central Weber Sewer Improvement District no later than the issuance of any building permits. Annexation Book 86 page 6.

If you have any further questions or need additional information, please let us know.

Sincerely,

Clay Marriott

Digitally signed by Clay Marriott  
DN: cn=US,  
email=EnClaym@centralweber.com,  
cn="Central Weber Sewer", cn="Clay  
Marriott"  
Reason: I am the author of this  
document  
Date: 2021.09.20 08:26:21 -06'00'

Clay Marriott

Construction Manager

CC: Kevin Hall, Central Weber Sewer  
Wes Stewart



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a request for a recommendation of final subdivision approval of Terakee Farms No. 1, a PRUD Subdivision.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, December 14, 2021
<b>Applicant:</b>	Brad Blanch
<b>File Number:</b>	LVT111717

### Property Information

<b>Approximate Address:</b>	700 North 3600 West
<b>Project Area:</b>	17 acres
<b>Zoning:</b>	A-2
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	15-028-0047, 15-028-0046, 15-028-0006, 15-028-0005
<b>Township, Range, Section:</b>	T6N, R2W, Section 9

### Adjacent Land Use

<b>North:</b>	Agriculture	<b>South:</b>	Agriculture
<b>East:</b>	Agriculture	<b>West:</b>	Agriculture

### Staff Information

<b>Report Presenter:</b>	Steve Burton sburton@webercountyutah.gov 801-399-8766
<b>Report Reviewer:</b>	RG

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 7 Agricultural A-2 Zone
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

## Development History

- The conditional use permit application for Terakee Farms PRUD was forwarded to the County Commission with a unanimous positive recommendation from the Western Weber Planning Commission after a meeting was held to review the application and receive public input on November 15, 2016.
- The conditional use permit for Terakee Farms PRUD received approval in a two to one vote by the County Commission after holding a meeting to review and take public input on December 6, 2016.
- The developer submitted preliminary subdivision application for Terakee Farms PRUD Phase 1 on November 20, 2017 (see Exhibit D for the Notice of Decision).
- Preliminary approval of this proposal was granted by the Planning Commission on February 13, 2018. The following are conditions of preliminary approval:
  - The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures.
  - The final subdivision plat shall include the agriculture note as required in LUC §106-1-8(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 the culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission.

5. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water shall be submitted with the final subdivision plans prior to approval by the County Commission.
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, right of way dedication to Weber County must take place for the approved width.

## Summary and Background

After this subdivision received a preliminary approval, 3600 West has been widened enough for this subdivision to move forward in the subdivision process. The developer is now proposing to receive a recommendation for final subdivision approval from the Planning Commission. The conditions of preliminary approval are addressed as follows:

1. The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures.

The developer has not shown this on the final plat yet. The developer is proposing to show this on the final printed mylar. From a staff perspective, this condition is a benefit to the future owners to know what building heights were permitted through the PRUD process, and this condition can be accomplished on the final printed mylar.

2. The final subdivision plat shall include the agriculture note as required in LUC §106-1-8(5).

The agricultural note is on the current final plat.

3. 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.

The preservation plan, maintenance plan, and CC&Rs are combined into one document, included as Exhibit B

4. A capacity assessment shall be submitted with the final subdivision plans from the culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission.

The developer has provided a capacity assessment letter from Terakee Water Company, of which the developer is the CEO. Under the subdivision ordinance that was in effect at the time the developer received preliminary approval, the following was required for a capacity assessment:

### Weber County Subdivision Ordinance 106-4-2

#### **Option 1**

New System. Where an approved public water supply or system is not reasonably accessible nor procurable, the applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department.

#### **Option 2**

Public System.

- (1) Where an approved public water supply is reasonably accessible or procurable, the applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. Water lines and fire hydrants shall be operational before building permits are issued for any structures.
- (2) Capacity assessment letter is required prior to final approval from the planning commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.

5. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water shall be submitted with the final subdivision plans prior to approval by the County Commission.

The developer would not be required to provide this until County Commission consideration.

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.

The developer is working with the County Engineer and the Engineering Division is comfortable with this project moving forward with a recommendation from the Planning Commission. 3600 West has been made wide enough for pedestrian and vehicle access.

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.

The developer has indicated that they have not begun on site improvements or improvements to 3600 W. The final improvement plans are being reviewed.

9. Prior to improving 3600 West, right of way dedication to Weber County must take place for the approved width.

3600 W has the full 60 foot dedication for the road to meet the county public works standard.

## Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by supporting agriculture and encouraging residential cluster style development with a minimum 30% open space.

Zoning: The subject property is located in the Agricultural A-2 Zone.

The purpose and intent of the A-2 zone is identified in the LUC §104-7-1 as:

*"The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural environment should be promoted and preserved."*

PRUD: The PRUD is a multi-phased development consisting of 206 single family lots ranging in size from approximately 4,791 square feet to 74,487 square feet with 26 Accessory Dwelling Units. The PRUD will offer a variety of housing options and includes approximately 69.5 acres of open space. The open space accounts for approximately 43.95% of the entire PRUD gross acreage. The open space will include an extensive pathway, a neighborhood park, a Community Center, a Farmer's Market, two large agricultural parcels, an equestrian barn and outdoor riding arena as well as multiple other agricultural outbuildings.

The applicant was granted a 50 percent bonus density based on preserving 50 acres or more as agricultural open space.

Lot area, frontage/width and yard regulations: The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas." This PRUD utilizes the allowed flexibility to create neighborhoods with lots ranging in size from 0.11 acre lots to 0.215 acre lots and sized to accommodate single family homes.

The proposal includes the following minimum single family development standards:

• Typical Small Lots (60' in width & 100' in depth):	
Front Yard:	20 feet
Side Yard:	5 feet
Rear Yard:	5 feet
• Typical Lots (80' in width & 100' in depth, lots 108-135):	
Front Yard:	20 feet
Side Yard:	10 feet
Rear Yard:	5 feet
• Typical Medium Lots (80' width & 120' in depth):	
Front Yard:	20 feet
Side Yard:	10 feet
Rear Yard:	5 feet
• Maximum Building Height:	
• Single Family: 35'	
• Mixed Use: 35'	
• Accessory Structures: 35'	
• Equestrian Barn: 45'	
The proposal includes the allowance for the housing of agricultural animals and horses to be limited to Lots 175-206 as size permits.	

The PRUD was approved based on the single family and accessory structures being an average building height of 35 feet. A condition of approval has been added to ensure the correct building height and setbacks are shown of the final plat. Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration and lot size, the preliminary plan has been deemed acceptable by the reviewing agencies.

**Common Area:** The applicant is proposing to dedicate approximately 69.5 acres of open space within the entire PRUD. Phase one will dedicate approximately 7.723 acres of open space; which is approximately 44.7%% of the net developable area in phase one. The preliminary plan identifies the common open space area as "A" Agricultural Open Space and will be dedicated upon recording to a Community Association.

**Culinary water, irrigation water and sanitary sewage disposal:** The applicant has provided a capacity assessment letter for culinary and secondary water from Terakee Water Company. Under the subdivision ordinance, a new water system that is not public is required to install a system that provides a system and supply of water approved by the Division of Drinking Water or the Health Department. The developer proposes to provide the approval from the State Division of Drinking Water or the Health Department prior to consideration by the County Commission for approval.

**Review Agencies:** The Fire District has approved the proposal. The Surveyor's Office and the Engineering Division are reviewing the final plat and engineered drawings for compliance. The staff recommendation is that a recommendation for approval be based on all review agency requirements and conditions met before County Commission consideration.

## Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for final approval of Terakee Farms No. 1, a PRUD Subdivision consisting of 40 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures and the correct setbacks, as indicated in this report.
2. The developer shall provide final approval from the State Division of Drinking Water or the Health Department for the culinary water and secondary water systems and sources prior to consideration by the County Commission for approval. The final water approval shall indicate that the water systems and sources are sufficient to provide culinary and secondary water to the number of lots proposed.



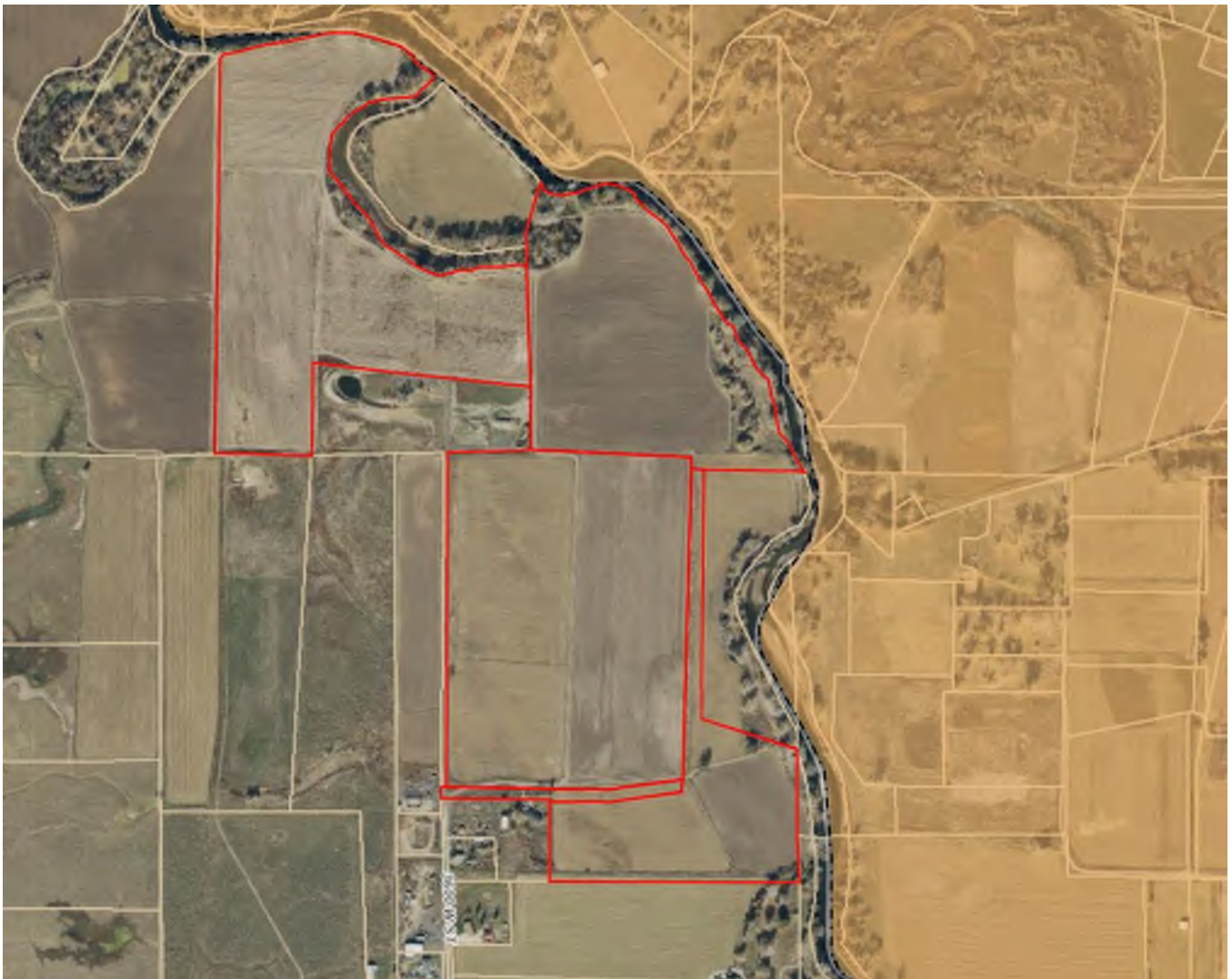
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.
3. The applicant during the CUP for the PRUD was granted an overall bonus density of 50 percent for the entire project for an overall density of 232 dwelling units.

## Exhibits

- A. Terakee Farm PRUD No. 1, final plat
- B. Agricultural Preservation Plan and CC&R maintenance plan
- C. Overall Development Plan

## Location Map





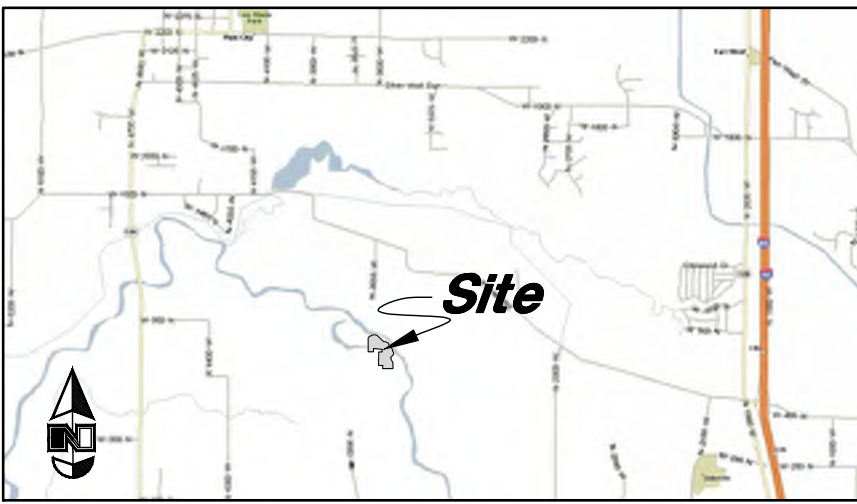
# Tarakee Farm® - No. 1

## A PRUD Subdivision

A part of the Southeast Quarter of Section 9, T6N, R2W, SLB&M, U.S. Survey

Weber County, Utah

November 2021



VICINITY MAP  
(Not to Scale)

### NARRATIVE

This Subdivision Plat was requested by Mr. Brad Blanch for the purpose of creating forty (40) residential Lots and five (1) Open Space Parcel.

Brass Cap Monuments were found at the Southeast Corner and the South Quarter Corner of Section 17, T6N, R2W, SLB&M.

A line bearing North 89°05'07" West between these two monuments was used as the Basis of Bearings.

Property Corners were monumented as depicted on this plat.

If Curb and Gutter is installed, "Rivets will be set in the Top Back of Curb on the extension of the Property Line.

If Curb and Gutter is deferred, the front Property Corners will be required to have Rebar and Cap set.

SEE ROS# \_\_\_\_\_ Filed with the Weber County Surveyor's Office for Overall Boundary Retracement Details.

### DESCRIPTION

A part of the Southeast Quarter of Section 9, Township 6 North, Range 2 West, Salt Lake Base and Meridian, Beginning at the Northwest corner of Lot 1 McFarland Subdivision (Weber County Recorder Entry # 1672850) said point being 397.19 feet South 89°26'19" East along the Section line and 1,049.27 feet North 00°33'41" East from the South Quarter corner of said Section, and running thence North 89°03'30" West 17.49 feet along the North Line of said McFarland Subdivision to the Easterly line of the Richard and Carisa Hipwell property (Parcel #15-028--0054); thence North 00°46'31" East 55.61 feet along said Easterly line; thence South 89°13'13" East 64.06 feet to a point of curvature; thence Easterly along the arc of a 74.97 foot radius curve to the left a distance of 54.39 feet (Central Angle equals 41°34'11" and Long Chord bears North 69°59'42" East 53.21 feet); thence North 49°12'36" East 448.50 feet to a point of curvature; thence Northeasterly along the arc of a 175.00 foot radius curve to the left a distance of 47.74 feet (Central Angle equals 15°37'45" and Long Chord bears North 41°23'44" East 47.59 feet) to a point of compound curvature thence Northerly along the arc of a 10.00 foot radius curve to the left a distance of 15.75 feet (Central Angle equals 90°15'26" and Long Chord bears North 11°32'52" West 14.17 feet); thence along a line non-tangent to said curve, North 33°19'25" East, a distance of 50.00 feet; thence South 56°40'35" East 233.49 feet to a point of curvature; thence Easterly along the arc of a 375.00 foot radius curve to the left a distance of 227.11 feet (Central Angle equals 34°42'00" and Long Chord bears South 74°01'35" East 223.66 feet) ; thence North 88°37'25" East 53.32 feet to a point of curvature; thence Northeasterly along the arc of a 75.00 foot radius curve to the left a distance of 107.01 feet (Central Angle equals 81°45'10" and Long Chord bears North 47°44'49" East 98.16 feet); thence along a line non-tangent to said curve, South 83°07'46" East, a distance of 50.00 feet to the point of curve of a non-tangent curve, of which the radius point lies North 83°07'46" West; thence Southerly along the arc of a 125.00 foot radius curve to the right a distance of 4.82 feet (Central Angle equals 02°12'30" and Long Chord bears South 07°58'29" West 4.82 feet) ; thence along a line non-tangent to said curve, South 73°49'55" East, a distance of 79.81 feet to the point of curve of a non-tangent curve, of which the radius point lies North 48°41'54" East; thence Southeasterly along the arc of a 3,551.68 foot radius curve to the left a distance of 277.57 feet (Central Angle equals 04°28'40" and Long Chord bears South 43°32'26" East 277.50 feet) to a point of compound curvature thence Easterly along the arc of a 15.00 foot radius curve to the left a distance of 11.81 feet (Central Angle equals 45°05'36" and Long Chord bears South 68°19'33" East 11.50 feet) to the point of curve of a non-tangent curve, of which the radius point lies South 00°55'17" East; thence Southeasterly along the arc of a 179.65 foot radius curve to the right a distance of 297.40 feet (Central Angle equals 94°51'02" and Long Chord bears South 43°29'46" East 264.59 feet); thence along a line non-tangent to said curve, South 01°26'04" West, 292.07 feet; thence North 89°04'28" West 1,056.69 feet to the Southeast corner of said McFarland Subdivision; thence two (2) courses along the East and North Boundaries of said Subdivision as follows (1) North 00°56'30" East 362.32 feet; and (2) North 89°03'30" West 438.81 feet to the point of curve of a non-tangent curve, of which the radius point lies South 30°56'09" East; thence Southwesterly along the arc of a 88.67 foot radius curve to the left a distance of 89.65 feet (Central Angle equals 57°55'36" and Long Chord bears South 30°06'03" West 85.88 feet) tot eh East right of way line of 3600 West Street as dedicated on said Subdivision; thence North 00°49'22" East 75.00 feet along said East right of way line to the POINT OF BEGINNING.

Containing 17.704 acres, more or less.

### SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described herein in accordance with Section 17-23-17 and that I have verified all measurements shown hereon this plat of Tarakee Farm No. 1 - A PRUD Subdivision in Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat. I furthermore certify that all lots within this Subdivision hereby meet all current lot width and area requirements of the Weber County Zoning Ordinance.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

For Review

11/09/2021 4:35:48 PM

### OWNERS DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots as shown on the plat and name said tract Tarakee Farms No. 1 - A PRUD Subdivision and do hereby dedicate and grant to Weber County a perpetual right and easement on and over the Open Space parcels for agriculture preservation easements to guarantee to Weber County that the Open Space parcels remain open and undeveloped except for approved agricultural, recreational, and open space purposes except to be used and maintained by the owner of said parcel(s) for approved agricultural purposes, and also do grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as Private Streets and/or public utility easements, the same to be used for the maintenance and operation of Sanitary Sewer lines and Structures, Storm Drainage Lines and Structures and/or public utility service lines and storm drainage facilities, whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements.

We also dedicate and reserve unto themselves, their heirs, their grantees and assigns, a right-of-way to be used in common with all others within said Subdivision (and those adjoining Subdivisions that may be subdivided by the undersigned owners, their successors, or assigns) on, over and across all those portions or parts of said tract of land designated on said plat as Private Streets (Private rights-of-way) as access to the individual lots, to be maintained by Tarakee Farms, Inc, their grantees, successors, or assigns.

We also do hereby dedicate, grant and convey to Tarakee Farm, Inc. the Parcels referred to as Parcel A to be used as Agri-tourism events, also dedicate and grant a perpetual right and easement over, upon and under the lands designated hereon as Parcel A to be used as Agri-tourism, for Storm Water Detention, Landscaping, and Secondary Water facility purposes, the same to be used for the maintenance and operation of storm drainage facilities, Secondary Water facilities as applicable as may be authorized by the governing authority, with no residential buildings or structures being erected within such parcels unless otherwise defined in the Codes, Covenants, and Restrictions (CC&R's) for this development.

- X -

X - Title

### ACKNOWLEDGMENT

State of Utah  
County of \_\_\_\_\_ } ss

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_ X \_\_\_\_\_.

Residing At: \_\_\_\_\_ A Notary Public commissioned in Utah  
Commission Number: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_ Print Name

### AGRICULTURAL NOTE

Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.

### WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.  
Signed this \_\_\_\_\_ of \_\_\_\_\_, 2021.

### WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Chairman, Weber County Planning Commission

### WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Chairman, Weber County Commission

Attest:

Title:

Weber County Engineer

### NOTES:

- 10' wide Public Utility and Drainage Easements (P.U.&D.E.) on front lot lines as indicated by dashed lines except as otherwise shown.
- All Lots will have a 20' Frontage and 5' Side (20' Corner) and Rear Yard Building Setback except as otherwise shown.

Sheet 1 of 2

### WEBER COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
RECORDED \_\_\_\_\_ FILED FOR RECORD AND \_\_\_\_\_ AT \_\_\_\_\_  
IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS, PAGE \_\_\_\_\_ RECORDED FOR \_\_\_\_\_

WEBER COUNTY RECORDER

BY: \_\_\_\_\_ DEPUTY

ENGINEER:  
Great Basin Engineering Inc  
c/o Andy Hubbard  
5746 South 1475 East Suite 200  
Ogden, Utah 84405  
(801) 394-4515

DEVELOPER:  
Tarakee Investments, LLC  
c/o Brad Blanch  
1060 East 3400 North  
North Ogden, UT 84414  
(801) 688-8565



### WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat, and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Weber County Attorney

### WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monument on record in County Offices. The approval of this plat by the Weber County Surveyor does not relieve the licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Weber County Surveyor

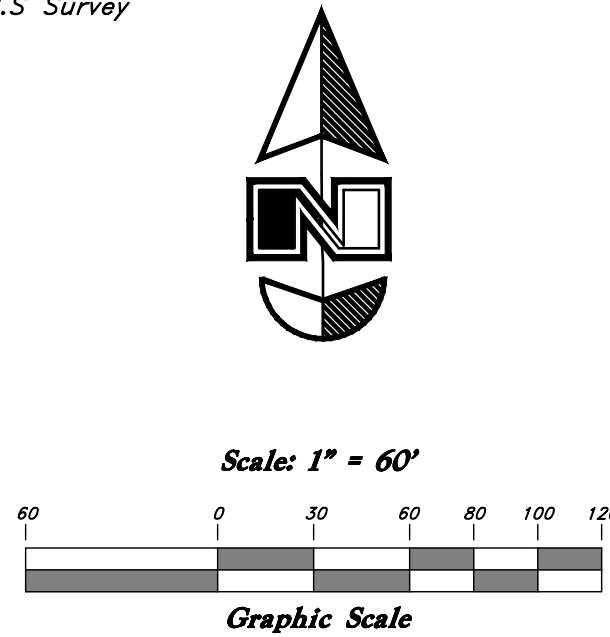


# Terakee Farm® PRUD No. 1

A PRUD Subdivision

A part the Southeast Quarter of Section 9, T6N, R2W, SLB&M, U.S. Survey  
Weber County, Utah  
November 2021

Exhibit A



Terakee Farm®

Terakee Farm®

McFarland Subdivision

Jed J. & Pamela McCormick

## AGRICULTURAL NOTE

Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.

## NOTES:

- 10' wide Public Utility and Drainage Easements (P.U.&D.E.) on front lot lines as indicated by dashed lines except as otherwise shown.
- All Lots will have a 20' Frontage and 5' Side (20' Corner) and Rear Yard Building Setback except as otherwise shown.

TENTATIVE FINAL

ENGINEER:  
Great Basin Engineering Inc  
c/o Andy Hubbard  
5746 South 1475 East Suite 200  
Ogden, Utah 84405  
(801) 394-4515

DEVELOPER:  
Terakee Investments, LLC  
c/o Brad Blanch  
1060 East 3400 North  
North Ogden, UT 84414  
(801) 668-8565

Sheet 2 of 2

WEBER COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
RECORDED \_\_\_\_\_ FILED FOR RECORD AND  
IN BOOK \_\_\_\_\_ OF OFFICIAL  
RECORDS, PAGE \_\_\_\_\_ RECORDED  
FOR \_\_\_\_\_

WEBER COUNTY RECORDER

BY: \_\_\_\_\_ DEPUTY \_\_\_\_\_



\*W3172131\*

EH 3172151 PG 1 OF 30  
LEANN H KILTS, WEBER COUNTY RECORDER  
30-JUL-21 2:24 PM FEE \$40.00 DEP PV  
REC FOR: BRAD BLANCH

**Recorded Against: Phase One of The Barn at Terakee Farms PRUD; Entry No. 3151981  
Book 80, Pages 50 & 51, May 11, 2021.**

15-749-0001 THRU 0038 DB  
BST TH

**AMENDED AND RESTATED  
DECLARATION OF COVENANTS,  
CONDITIONS & RESTRICTIONS**

**FOR**

**TERAKEE RESIDENTIAL  
NEIGHBORHOODS**

June 8, 2021

**AMENDED AND RESTATED DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR TERAKEE RESIDENTIAL  
NEIGHBORHOODS**

This Amended and Restated Declaration of Covenants, Conditions and Restrictions for Terakee Residential Neighborhoods (the "Declaration") is made this 8th day June, 2021, by Terakee Properties LP, a Utah Limited Partnership ("Declarant"). This Declaration replaces and supersedes entirely the Declaration of Covenants, Conditions and Restrictions for Terakee Residential Neighborhoods dated May 2021 and recorded on May 11, 2021, as Entry No. 3151993 in the official records of the Weber County Recorder (the "Superseded Declaration.") The Superseded Declaration is terminated and of no further effect. This Declaration takes its place.

**RECITALS**

A. Declarant is the fee owner of certain real property located in Weber County, Utah, described on Exhibit A attached hereto.

B. Declarant intends to develop the Real Property into a planned residential neighborhood of single-family detached residences, an assisted senior living center and certain accessory dwelling units.

C. Declarant deems it desirable to establish covenants, conditions and restrictions upon the Real Property and each and every portion thereof, which will constitute a general design for the development, government and management of the Real Property, and for the use, occupancy and enjoyment thereof, all for the purpose of enhancing and protecting the value, desirability and attractiveness of the Real Property and enhancing the quality of life in the Project.

D. Declarant deems it desirable for the efficient development, government and management of the Real Property to create Terakee Farms, Inc., a corporation in the State of Utah, to which shall be delegated and assigned, as described further in this Declaration, the powers of (i) administering and enforcing these covenants, conditions and restrictions, (ii) collecting and disbursing funds pursuant to the assessments and charges hereinafter created, and (iii) performing such other acts as are herein provided to which generally benefit the residents of the Project.



E. Terakee Farms, Inc. has been incorporated under the laws of the State of Utah for the purpose of exercising such powers and functions referenced in Recital D above; and has been registered with the Utah Division of Corporations and Commercial Code.

F. The Project is not a cooperative.

NOW, THEREFORE, for the purposes above set forth, Declarant declares that the Real Property, including each Lot, hereafter shall be held, transferred, sold, conveyed, leased, occupied and used subject to the covenants, conditions, restrictions, liens, assessments, easements, privileges and rights hereinafter set forth, all of which shall run with the land and be binding upon the Real Property and all parties having or acquiring any right, title or interest in or to the Real Property, or any part thereof, and shall inure to the benefit of each owner thereof.

### **DEFINITIONS**

Unless the context clearly requires otherwise, the following terms used in this Declaration are defined as follows:

- **"Architectural Committee"** means the architectural committee or committees established by Terakee Farms, Inc.
- **"Architectural Rules"** means any rules, guidelines, standards and procedures outlined in this Declaration.
- **"Articles"** means the Articles of Incorporation of Terakee Farms, Inc., which have been, or will be, filed in the Division of Corporations and Commercial Codes of the State of Utah. Such Articles may be amended from time to time, or of any successor thereto.
- **"Assessments"** means the charges levied and assessed pursuant to this Declaration.
- **"Accessory Dwelling Unit"** means an ancillary or Accessory Dwelling Unit, which is not the Principal Dwelling Unit on a Lot, but which is part of either a detached garage or a separate building.
- **"Board"** means the Board of Directors of Terakee Farms, Inc.
- **"Declarant"** means Terakee Properties LP, or any Owner to whom Declarant assigns Declarant's rights, powers and duties hereunder (which Declarant may do in its sole and absolute discretion)

and who accepts the same, as may be established by a Notice of Assignment referring to this Declaration and recorded in the Real Property Records of Weber County, Utah.

- **"Declaration"** means this instrument, as it from time to time may be amended.
- **"Dwelling Unit"** means any building or portion of a building situated upon a Lot.
- **"Improvement(s)"** shall mean each and every physical improvement of any kind whatsoever to any portion of the Real Property, including, but not limited to, any excavation, grading, fill work, building, Dwelling Unit, walkway, driveway, road, parking area, wall, fence, utility installation, drainage facility, stairway, patio, courtyard, pole, sign, or any trees, grass, plants, shrubs or other landscaping and any and all components of any of the foregoing (including, but not limited to, exterior paint, texture, color and finish) and any and all modifications, alterations of, or additions to, any of the foregoing.
- **"Lot"** means any parcel of real property designated as a numbered lot on a Plat and any Improvements located thereon. The platted lots are referred to collectively herein as "Lots," and all such Lots in the Project are subject to the Declaration.
- **"Agricultural Preservation Fund"** means a fund managed by Terakee Farms, Inc. designed to maintain and preserve the agricultural heritage of the area.
- **"Open Space"** means all areas of the Project outside the boundaries of defined Lots, including without limitation the common areas, agriculture space, landscaped areas, and roads, which are to be exclusively owned and operated by Terakee Farms, Inc. as provided in this Declaration. The Declarant hereby grants to each Owner a non-exclusive easement to access and use any trails located by the Declarant and/or Terakee Farms, Inc., in the Open Space at any time. Notwithstanding anything in this Declaration implied or expressed to the contrary, such easement(s) will be immediate, unconditional, and perpetual.
- **"Owner"** means one or more Persons who are alone or collectively the record owner of fee simple title to a Lot, including Declarant, but excluding those having any such interest merely as security for the performance of an obligation. If fee title to a Lot is owned by a Purchaser,

the Purchaser/Owner of the fee title and not the lessee of such Lot shall be deemed the Owner regardless of the term of the lease.

- **"Person"** means an individual, corporation, partnership, trust, limited liability company or other entity capable of holding title to real property, and their respective heirs, successors and assigns.
- **"Plat"** means each plat for each phase of the Project as recorded in the Official Records of Weber County, Utah, which plats collectively subdivide the Real Property, as amended from time to time..
- **"Principal Dwelling Unit"** means the Dwelling Unit on a Lot that has been constructed to be the principal or primary Single Family living quarters on the Lot.
- **"Project"** means Terakee Farm, a Planned Residential Unit Development (PRUD) project located on the Real Property.
- **"Purchaser"** means any Person, other than Declarant or Heritage Land Development, LLC (or any of its affiliates), who by means of a voluntary transfer becomes the Owner of a Lot.
- **"Real Property" or "Property"** means all the real property located in Weber County, Utah, which is described on Exhibit A attached hereto, together with all Improvements located thereon or to be located thereon and all easements, rights and appurtenances belonging thereto.
- **"Residence"** means the Principal Dwelling Unit, any appurtenant Accessory Dwelling Unit, garage, patio and other Improvements on the underlying Lot..
- **"Single Family"** means an individual, or a group of two or more persons each related to the other by blood, marriage or legal adoption, or a group of not more than three persons not all so related, together with their domestic servants, who maintain a common household.

### **TERAKEE FARMS, INC.**

General Duties and Powers. In addition to the duties and powers provided by law and enumerated in its Articles and Bylaws, or elsewhere provided for herein, and without limiting the generality thereof, Terakee Farms, Inc. shall have the specific duties and powers specified in this Part:

- Maintain and otherwise manage all of its properties to the full extent permitted by law, including the Open Spaces.
- To contract with Lot Owners, only by separate agreement in each party's discretion, for front, side, and/or back yard landscaping and maintenance.
- Contract for services not provided by Weber County or local districts or municipalities, including secondary water service, etc., by separate agreement with Lot Owners in each party's discretion.
- Provide snow removal and road maintenance, for all private roadways within the Project.
- The Board of Directors of Terakee Farms, Inc. has been established under the Terakee Farms, Inc. Articles of Incorporation. Additional Board of Directors may be nominated with the majority approval of existing Board Members. The maximum number of Board Members shall be twelve (12). An approved open Board Membership shall be filled within six (6) months from the time it becomes vacant.
- Terakee Farms, Inc., agrees to manage, operate and maintain the Open Space and all Improvements thereon for a period of twenty years from the date of recording of this Declaration, substantially as set forth in the Agricultural Plan attached hereto as Exhibit C.

### **COVENANT FOR ASSESSMENT**

Each Owner of any Lot by acceptance of a deed or other conveyance by which such Owner becomes the Owner of a Lot, whether or not it shall be so expressed in any such deed or other conveyance, is deemed to covenant and agree to pay to Terakee Farms, Inc. the assessments and/or other fees to be fixed, established and to be collected from time to time as provided in this Declaration. Such assessments and/or other fees, together with interest thereon, late charges, attorney's fees, court costs, and other costs of collection thereof, shall be a continuing lien upon the Lot against which each such assessment is made and shall also be the personal obligation of the Owner of such Lot at the time when such assessment and/or other fees become due. The personal obligation for delinquent assessments shall not pass to the successors in title of the Owner unless expressly

assumed by them.

Purpose of Assessments:

A. Agricultural Open Space Preservation: At the time legal title to a Lot passes to a Purchaser, the Purchaser shall pay Terakee Farms, Inc., a transfer assessment fee in the amount of \$5,000. The following are not subject to the fee: (i) an involuntary transfer; (ii) a transfer that results from a court order; (iii) a bona fide transfer to a family member of the seller within three degrees of consanguinity who, before the transfer, provides adequate proof of consanguinity, or to a legal entity, such as a trust, in which the owner or the owner's spouse, son, daughter, father or mother hold a beneficial interest of at least fifty percent (50%) for estate planning purposes; (iv) a transfer or change of interest due to death, whether provided in a will, trust, or decree of distribution; or (v) the transfer of a Lot owned by a financial institution or third party lender. Terakee Farms, Inc., agrees to promptly deposit and retain in a segregated account all assessment fee revenues collected by it under this Declaration, solely for the following purposes, and nothing else: (i) use in the development, maintenance and preservation of Open Space, and/or (ii) construction and installation of secondary water service lines, systems, and facilities to the Lots. No more than twice annually, any Owner may request from Terakee Farms, Inc., and Terakee Farms, Inc. agrees to promptly provide, an accounting showing the collection and disbursement of all assessment fee revenues, along with copies of the statements from the segregated account.

B. Secondary Water System: Terakee Farms, Inc. has arranged with one or more local government entities to provide pressurized secondary water service to the Project and to each Lot. Any Owner may contract with Terakee Farms, Inc. relating to the provision of secondary water service to the Owner's Lot, on terms acceptable to both Terakee Farms, Inc., and the Owner each in their own discretion. Such agreement may provide for annual or other periodic payments from Owner to Terakee Farms, Inc., relating to secondary water services provided by Terakee Farms, Inc.

C. Landscaping, etc. Terakee Farms, Inc. is available to provide front, side, and/or back yard improvements and maintenance for each Lot. Any Owner may contract with Terakee Farms, Inc. relating to such landscaping on the Owner's Lot, on terms acceptable to both Terakee



Farms, Inc., and the Owner each in their own discretion. Such agreement may provide for monthly, annual or other periodic payments from Owner to both Terakee Farms, Inc relating to services provided by both Terakee Farms, Inc.

D. Snow Removal/Road Maintenance. Terakee Farms, Inc. may levy a special assessment from time to time ("Special Assessment") against all Lots and/or the Owner(s) for the sole purpose of reimbursing the costs actually incurred by Terakee Farms, Inc., for snow removal and road maintenance within the Project.

### **USE RESTRICTIONS**

- Scope. Except as otherwise specified, the provisions of this Part shall apply to all of the Project.
- Residential Use. All Lots shall be used, improved and devoted to residential use and as otherwise permitted hereunder. Each Dwelling Unit construction on the Real Property may be occupied only by a Single Family. A Lot may be used for residential purposes in the fullest extent permitted by applicable zoning and other codes and municipal requirements and stipulations.
- Commercial Use. Except for Declarant's or Heritage Land Development, LLC's (or any of its affiliates, including Sierra Homebuilders, LLC), use of the Project for display and exhibit purposes, for the maintenance of sales facilities, and for purposes of selling Lots and/or constructing Dwelling Units and Improvements, no part of a Lot shall be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending, or any nonresidential purpose. Notwithstanding the foregoing to the contrary, a Lot may be used for a home-based and Owner owned and operated business so long as all the following criteria are met: the business complies with all applicable zoning and other codes and municipal requirements and stipulations.
- Improvements, Alterations and Architectural Committee Control. All Real Property within the Project is subject to review by Architectural Committee for compliance with this Declaration. Except for construction work undertaken by Declarant or its agents or contractors or by Heritage Land Development, LLC or its affiliates. No Improvements may be constructed or installed on any

Real Property within the Project and no construction, alterations, repairs, excavations, grading or other work (exclusive of landscaping) which in any way alters the exterior appearance of any Real Property within the Project, or the Improvements located thereon, from its natural or improved state existing on the date such property was first conveyed to a Purchaser, shall be made or done without the prior written approval of the Architectural Committee, except as otherwise expressly provided in this Declaration. No Accessory Dwelling Unit may be constructed on a Lot prior to the construction of a Principal Dwelling Unit on the Lot.

- Architectural Design. The architectural style of Dwelling Units must be harmonious with the natural landscape and consistent with the Project as a whole. Each Dwelling Unit on a Lot within the Project shall have a front porch and at least a two car garage. Traditional and/or modern farmhouse architectural designs are desired. No aluminum or vinyl siding will be allowed. The exterior material of the Dwelling Unit should include natural stone, brick, stucco, cement or composite board siding, or other material acceptable to the Declarant. Mixing of materials shall be done sensitively so as to not distract from the design of the Dwelling Unit. Heavier (load bearing) materials should be closer to the base of the Dwelling Unit (i.e., wood above stucco or masonry, or stucco above masonry and stone). Change of any materials should occur naturally, according to style. Colors for all exterior materials (trim, brick, stone, mortar, stucco, etc.) should be appropriate to the architectural style (i.e., earth tones). Brightly colored accents are allowed on a limited scale. The exterior material shall not be exposed cinder block. If the exterior material is stucco or other similar material, at least twenty percent (20%) of the exterior of the Dwelling Unit shall be stone or brick.
- Minimum Dwelling Unit Size. Any Principal Dwelling Unit erected, permitted or maintained on any Lot shall have a minimum livable footprint, excluding garage, porches, guest house, permitted basement level or below grade levels (if any), and patios, of 1,500 square feet for a single story, or 2,000 square feet for a two-story. Any Accessory Dwelling Unit erected or maintained on any Lot that is not attached to or part of a garage shall have a minimum livable square footage of four hundred (400) square feet.

- Dwelling Unit Construction. New Dwelling Unit construction on residential Lots must begin within six (6) months after date of recording of the first deed to any Owner than the Declarant or Heritage Land Development, LLC, , and must be substantially complete within twelve months after commencement. .
- Roofing Material. All roofing material used shall be solely asphalt shingle or primarily asphalt shingle with minor metal accents, unless otherwise authorized and approved in writing by the Architectural Committee.
- Walls and Fences. All perimeter fences or Boundary Fences, gates and garden walls shall be constructed of woods, vinyl, rock, stone, brick or other masonry. Chain link fences are not permitted. Accent panels or decorative trim may be used with prior written approval and authorization of the Architectural Committee.
- Shared Cost of Boundary Fences. The cost of any boundary fence constructed upon the dividing property line or boundary between Lots (a "Boundary Fence") or near or adjacent to said dividing property line when existing easements prevent a fence from being located on the dividing property line, shall be shared, on an equal basis between the adjacent Lot Owners whether the said Owner is a contractor or adjoining Lot Owner. If the adjoining Lot Owner had already constructed said Boundary Fence, the adjacent Owner shall reimburse said adjoining Lot Owner for one-half (1/2) of the actual cost of said Boundary Fence, as evidenced by actual receipts and invoices. Said amounts shall be paid in cash within sixty (60) days from proof of construction costs. If the Boundary Fence has not yet been constructed, then the Owners shall share the cost, on an equal basis, with its adjacent Owner or Owners. In the event of a dispute between Owners with respect to the cost of installation of a Boundary Fence or with respect to sharing of the cost thereof, then, upon written request of both of such Owners addressed to the Architectural Committee, the matter shall be submitted for arbitration before the Architectural Committee under such rules as may from time to time be adopted by the Architectural Committee. The decision of the Architectural Committee shall be final and conclusive.
- New and Permanent. All Dwelling Units and other structures on the Property shall be of new and permanent construction, and no structure shall be moved from any location on or off the

Property.

- Air Conditioners. No air conditioning units, heating units, compressors, evaporative coolers, or similar equipment shall be constructed or installed on the roof, or in the windows, or in or on the exterior walls of any Dwelling Unit in the Project, unless otherwise approved by the Architectural Committee.
- Solar Panels. No solar panels shall be installed on any Dwelling Unit or Lot without the prior written approval and authorization of the Architectural Committee. If such approval is granted, the Architectural Committee may specify the size and type of solar panels allowed, and the location where they may be installed.
- Planting and Landscaping. Except for (i) such planting and landscaping as is installed by Declarant and is in an area maintained by Terakee Farm, Inc., and (ii) such planting and landscaping as is not visible from the street, no fence, hedges or walls shall be erected or maintained on any Lot without the prior written approval of the Architectural Committee. These restrictions shall not apply to Declarant's activities or the activities of Heritage Land Development, LLC (or any of its affiliates, including without limitation Sierra Homebuilders, LLC. Native landscaping techniques shall be used throughout the Project and on Lots.
- Installation and Maintenance of Landscaping Improvements. Within one-hundred and twenty (120) days after the date on which Weber County issues a Certificate of Occupancy for a Dwelling Unit on a Lot, the Owner of each Lot shall install plants and other landscaping improvements (together with a sprinkle or drip system sufficient to adequately water the native plants and other landscaping improvements) in the front yard and side yard (if such side yard is visible from the street) of the Lot (if and to the extent not previously installed by the Declarant) in a manner that, together with the grass or other landscaping already installed in the front yard and the landscaping already installed in the landscape strips of his Lot, would give such portion of the Lot an attractive and fully landscaped appearance. All shrubs, trees and other plants of any kind installed (other than those initially installed by the Declarant) or, from time to time, replaced in the front yard and side yard (if such side yard is visible from the street) of the Lot, must be selected from a list approved by the

Architectural Committee. If disease or other natural hardships for a particular species of plant occurs, the Architectural Committee may elect to replace such species of plant with an equivalent plant of a different species. The grass, plants, trees and other landscaping improvements shall be installed in accordance with plans approved in writing by the Architectural Committee. All landscaping on a Lot and in Common Areas shall be maintained in accordance with approved landscaping plans for the Project and good native landscaping maintenance practices. Dead plants shall be promptly replaced by identical specimens or other approved plants; except that flowers and other annuals may be replaced or changed at the discretion of the Owner. Notwithstanding anything in this Declaration to the contrary, neither the Architectural Committee nor this Declaration shall or may prohibit low-water usage landscaping.

- Antennae. No television, radio, or other electronic antennae or satellite dish or device of any type shall hereafter be erected, constructed, placed or permitted to remain on a Lot or elsewhere within the Project unless and until the same shall have been approved in writing by the Architectural Committee, or unless the same is contained within a building, or unless the same is not visible from the street.
- Utility Service. Except as approved in writing by the Architectural Committee, no lines, wires, or other devices for the communication or transmission of electronic current or power, including telephone, television, and radio signals, shall be erected, placed or maintained anywhere in or upon the Lot unless the same shall be contained in conduits or cables installed and maintained underground or concealed in, under or on buildings or other structures approved by the Architectural Committee. No provision hereof shall be deemed to forbid the erection of temporary power or telephone structures incident to the construction of Dwelling Units or other structures approved by the Architectural Committee.
- Temporary Structures. No structure of a temporary character, trailer, tent, shack, garage or other out-building shall hereafter be used at any time, on any portion of the Real Property for a residence, either temporarily or permanently. Temporary buildings or structures, approved by

the Architectural Committee for use during the construction of a Dwelling Unit, shall be removed immediately after the completion of construction. Declarant shall be permitted to place temporary buildings or structures on portions of the Real Property for the purposes of conducting sales or construction operations.

- Drainage; Interruption of Barriers. No Owner shall erect, construct, maintain, permit or allow any fence, landscaping or other Improvement or other obstruction or alteration of any grading (i) which would interrupt the normal drainage of the Lot or land from its natural or improved state existing on the date such property was first conveyed in fee by Declarant to an Owner or (ii) within any area designated on a Plat (or other building document) as a "Drainage Easement," except that, with the prior consent of the Architectural Committee, non-permanent structures, including fences, may be erected in those areas which contain only underground closed conduit drainage facilities. No Owner shall erect, construct, maintain, or allow any fence, landscaping or other Improvement or other obstruction or alteration of any grading which would interrupt any physical or chemical termite "barrier" on the Lot or land in the improved state existing on the date such property was first conveyed in fee by Declarant to an Owner.
- Machinery and Equipment. No machinery or equipment of any kind which is visible from neighboring property shall be placed, operated or maintained upon or adjacent to any Lot or other Real Property except such machinery or equipment as is usual and customary in connection with the use, maintenance or construction of a Dwelling Unit, appurtenant structures, or other improvements and except which Declarant may require for the operation and maintenance of the Open Space and the Real Property or which is utilized in connection with Declarant's permitted uses and/or the permitted signs of Heritage Land Development, LLC (or any of its affiliates).
- Signs. No sign of any kind which is visible from neighboring property shall be installed or displayed on any Lot or Common Area except: (i) such signs as may be used by Declarant and/or Heritage Land Development, LLC (or any of its affiliates) in connection with the development and sale of Lots and/or Dwelling Units or Common Area in the Project; (ii) such

signs as may be required by legal proceedings, or which by law, may not be prohibited; (iii) such signs as may be required for traffic control; or (iv) such other signs (including, but not limited to, construction job identification signs, builders' signs, subdivision identification signs, "for sale" signs, "for lease" signs, temporary "rent" signs, and "garage sale" and similar signs) as are in conformance with the requirements of Weber County and which have been approved in advance in writing by the Architectural Committee (which approval may be in the form of rules and regulations of general applicability) as to size, colors, design, message content, number and location.

- Clothes Drving Area. Clothes lines and similar equipment shall be permitted, but only if installed in the rear yard of a Lot, screened or otherwise not visible from the street. Otherwise, no portion of any Lot shall be used as a drying or hanging area for laundry of any kind.
- Window Covers. Interior curtains, drapes, shutters or blinds may be installed as window covers. No aluminum foil, reflective material, newspaper or other materials not customarily made for use as window covers may be installed or placed upon the inside or outside of any Dwelling Unit or other structure if visible from neighboring property. Exterior awnings, canopies, shutters and similar items, other than as may have been originally constructed and installed by Declarant, may not be installed without prior written approval of the Architectural Committee if visible from the street.
- Flags; Flagpoles. United States or State flags may be displayed if attached to a Dwelling Unit. Freestanding flagpoles may be used by Declarant, but otherwise are not permitted. Flagpoles attached to a Dwelling Unit (e.g., to a column or fascia) shall not exceed such size as shall be reasonably necessary to secure the flag.
- Basketball Standards. Basketball standards and hoops, whether attached to a Dwelling Unit or freestanding, and whether visible from the street, shall be permitted so long as they are located behind the building front setback line of the Lot, and so long as they are properly maintained in good repair.
- Trucks, Trailers, Campers and Boats. No vehicle may be left upon any portion of the Project



except in a garage, driveway, parking pad, or other area designated by the Architectural Committee. Notwithstanding the foregoing, commercial vehicles, recreational vehicles, mobile homes, trailers, campers, boats or other watercraft, stored vehicles, and unlicensed vehicles or inoperable vehicles shall not be parked within the Project other than within an enclosed garage; provided however, that one boat may be temporarily kept or stored completely on a parking pad on a Lot for not more than four (4) nights within each calendar month. This Section shall not apply to emergency vehicle repairs. Vehicles shall include, without limitation, automobiles, trucks, boats, jet skis, trailers, motorcycles, campers, vans, all-terrain vehicles, recreational vehicles, and any and all other motorized vehicles.

- Motor Vehicles. No automobile, motorcycle, motorbike or other motor vehicle shall be constructed, reconstructed or repaired upon any Lot or street in the Project, and no inoperable vehicle (including, without limitation, vehicles with flat tires) may be stored or parked on any such Lot or street, so as to be visible from the street or to be visible from any neighboring property; provided, however, that any such vehicle may be stored or parked entirely within an enclosed garage; and provided further that the provisions of this Section shall not apply to emergency vehicle repairs or to temporary construction shelters or facilities maintained during, and used exclusively in connection with, the construction of any Improvement approved in writing by the Architectural Committee.
- Parking. Vehicles of all Owners, lessees and residents, and of their employees, guests and invitees, are to be kept in garages, carports, residential driveways of the Owner and other designated parking areas wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a Lot; provided, however, this Section shall not be construed to permit the parking in the above described areas of any vehicle whose parking in the Project is otherwise prohibited or the parking of any inoperable vehicle; provided, further, the Architectural Committee may promulgate rules and regulations limiting or restricting parking of vehicles during designated hours and on designated streets.
- Garbage, Trash, Debris and Hazardous Materials. No rubbish, hazardous materials, or debris of

any kind shall be placed, stored, or permitted to accumulate upon or adjacent to any Lot or other portion of the Project and no odors shall be permitted to arise therefrom, so as to render any such Lot or any portion of the Project unsanitary, unsightly, offensive or detrimental to any other Lot or other portion of the Project or to its occupants. No garbage or trash shall be placed or kept on any Lot or other portion of the Project except in covered containers of a type, size and style which are approved by the Architectural Committee. In no event shall such containers be maintained so as to be visible from neighboring property except to make the same available for collection and then only for the time reasonably necessary to effect such collection. The Architectural Committee shall have the right, in its sole discretion, to require all Owners to place their garbage or trash containers at a specific location for collection or to require all Owners to subscribe to a trash collection service. All rubbish, trash and garbage shall be removed from the Lots or other portion of the Project and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot or other portion of the Project. No garbage or trash containers shall be kept or placed on any grass or other landscaped area.

- Fires. Other than barbecues in properly constructed barbecue pits or grills, and fire pits in compliance with this Declaration, no open fire shall be permitted on a Lot or other portion of the Project nor shall any other similar activity or condition be permitted.
- Nuisances. No Owner shall suffer anything to be done or kept about or within his Lot or on or about the Project, which may cause the insurance to be canceled or the premiums of such insurance to be increased for any Lot or other portion of the Project, or which may obstruct or interfere with the rights of other Owners, or annoy them by unreasonable noises (including but not limited to loud or disturbing noise or sounds in the evening hours) or otherwise, nor will he commit or permit any nuisance or commit or suffer any illegal act to be committed therein. Each Owner shall comply with the Board, the requirements of all health authorities and other governmental authorities having jurisdiction over the Project. The Architectural Committee in its sole discretion shall have the right to determine the existence of any such nuisance.
- Diseases and Insects. No Owner shall permit any thing or condition to exist upon any property that

- shall induce, breed or harbor infectious plant diseases or noxious insects.
- Compatibility With Agricultural Uses. Each Owner agrees not to use certain pesticides or pesticides not listed on an approved list for organic methods to be provided by Terakee Farms, Inc., and each Owner also agrees not to engage in certain activities that might jeopardize the organic certification of the farm tracts.
  - Mining. No portion of the Project shall be used in any manner to explore for or to remove any water, oil or other hydrocarbons, minerals of any kind, gravel, earth or any earth substance of any kind, except for grading and excavation work and the removal of fill material including, but without limitation, gravel, rock and sand, in connection with the construction of Dwelling Units, buildings, structures or other improvements which have been approved in writing by the Architectural Committee, as applicable, except for grading, excavation and removal work being performed by, or on behalf of Terakee Farms, Inc. in the fulfillment of its obligations under this Declaration, and except in connection with normal development or construction activities permitted by this Declaration..
  - Safe Condition. Without limiting any other provision in this Part, each Owner shall maintain and keep his Lot at all times in a safe, sound and sanitary condition and repair and shall correct any condition or refrain from any activity which might interfere with the reasonable enjoyment by other Owners of their respective Lots.
  - Encroachments. No tree, shrub, or planting of any kind on any property shall be allowed to overhang or otherwise to encroach upon any sidewalk, street, pedestrian way, or other area from ground level to a height of twelve (12) feet, without the prior approval of the Architectural Committee.
  - Model Homes. The Declaration does not prohibit the construction and maintenance of model homes by persons engaged in the construction or marketing of Dwelling Units within the Project or parking incidental to the visiting of such model homes.
  - Variances. The Architectural Committee may, at its sole option and in extenuating

circumstances, grant variances from restrictions set forth in this Declaration if the Committee determines, in its sole discretion:

A. That either (i) enforcement of a particular restriction would create a substantial hardship or burden on an Owner or occupant, or (ii) a change of circumstances since the recordation of this Declaration has rendered such restriction obsolete; and

B. That the activity permitted under the variance will not have any substantial adverse effect on the Owners and occupants and is consistent with the high quality of life intended for residents of the Project.

- Declarant's Exemption. Notwithstanding any other provision of this Declaration, the Articles, Bylaws or Architectural Rules, it shall be expressly permissible for Declarant and Heritage Land Development, LLC (or any of its affiliates) or its/their duly authorized agents, employees and representatives to maintain during the period of construction and sale of Lots and/or Dwelling Units such facilities, structures, signs or other sales-related items as are necessary or convenient, in the sole opinion of Declarant, to the sale of the Lots and/or Dwelling Units, including without limitations, a business office, storage area, construction yards, model units or homes and sales offices, and to otherwise construct Dwelling Units in accordance with its plans and specifications.
- Enforcement. Terakee Farms, Inc. shall, and the Architectural Committee may, enforce this Declaration and in so doing Terakee Farms Inc. and/or the Architectural Committee, or its/their respective authorized agents, may upon reasonable written notice, enter any Lot in which a violation of these restrictions exists and may correct such violation at the expense of the Owner of such Lot. No member of the Architectural Committee shall be liable to any Owner or to any other Person for any actions or failure to act or in connection with any approval, conditional approval or disapproval of any application for approval, including without limitation, mistakes in judgment, negligence, malfeasance, or nonfeasance.

### ARCHITECTURAL COMMITTEE

- Approval of Plans. No Improvements shall be commenced, erected or maintained within any portion of the Property (other than by Declarant or Heritage Land Development, LLC or any of its affiliates in the ordinary course of constructing Dwelling Units or developing the Project) unless and until detailed plans and specifications (including site plans) showing the proposed nature, location, identity, type, and quality of proposed materials, size, area, height, color, shape and design of the proposed Improvements, as well as the general contractor or construction manager, as the case may be, and any other matters required by this Declaration, have first been approved by the Architectural Committee. No Improvement shall be commenced, erected or maintained within the Property (other than by Declarant or Heritage Land Development, LLC or any of its affiliates in the ordinary course of constructing Dwelling Units or developing the Project) except in compliance with this Declaration and with the approved plans and specifications for such Improvements. Terakee Farms, Inc. shall designate, at its sole discretion, one-half of the members of the Architectural Committee, and the remaining one-half of the members of the Architectural Control Committee shall be designated by: (i) Heritage Land Development, LLC, so long as it owns at least one Lot in the Project, or (ii) majority vote of the Owners, after Heritage Land Development, LLC no longer owns any Lot in the Project. All subsequent additions to or changes or alterations in any building, fence, wall, or other structure, including exterior color scheme, and all changes in the grade on any Lot, shall be subject to the prior written approval of Architectural Committee. Once approved by the Architectural Committee, no changes or deviations in or from the plans and specifications shall be made without the prior written approval of the Architectural Committee.
- Architectural Rules and Committee Procedures. The Declaration shall be followed by Owners in preparing and submitting plans and specifications and shall be used by the Architectural Committee in reviewing plans and specifications for proposed Improvements, in rendering its decisions and otherwise performing its functions under this Declaration. The Architectural Committee may promulgate such further or additional rules, so long as such further or additional Architectural Rules shall not be inconsistent with the terms of this Declaration and if

there are any inconsistencies, the provisions of this Declaration shall control. All decisions of the Architectural Committee shall be by simple majority vote of the Committee members. In the event of a tie, the matter may be, at the option of the Owner, taken to Court for judicial decision or submitted to an independent architect engaged by the Architectural Committee. If the members of the Architectural Committee cannot agree by majority vote to a single architect, then one-half of the members may select one architect, and the other one-half of the members may select a second architect, and then those two architects must select a third architect, in which case the majority vote of those three architects will be the final decision. The submitting Owner will be responsible for all architect fees.

- Fee. The Architectural Committee may establish reasonable processing fees to defray its costs in considering any requests for approvals submitted to it. The appropriate fee shall be paid at the time the request for approval is submitted.
- Compensation; Delegations. The members of the Architectural Committee shall not receive any compensation for services rendered. All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of any Architectural Committee function or duty. Professional consultants retained by the Architectural Committee shall be paid such compensation as the Architectural Committee determines. The Architectural Committee may delegate its plan review responsibilities, except final plan approval, to one or more of its members or to architectural consultants which it retains.

### **GENERAL PROVISIONS**

- Violation of Law. Any violation of any state, municipal, or local law, ordinance or regulation, pertaining to the ownership, occupation or use of any property within the Project is hereby declared to be a violation of this Declaration and subject to any or all of the enforcement procedures set forth herein.
- Joint and Several Liability. In the case of joint ownership of a Lot, the liabilities and obligations of each of the joint Owners set forth in or imposed by this Declaration shall be joint and several.



- Term. The covenants, conditions and restrictions and of this Declaration shall run with and bind the Project for a term of twenty (20) years from the date this Declaration is recorded. Upon expiration of this Declaration, the Owners may agree, by simple majority vote, to extend the term of this Declaration or to adopt new covenants, conditions and restrictions.
- Termination/Amendment. The provisions of this Declaration may be terminated or amended only with the approval of all of the following (i) a majority of the Owners, (ii) Terakee Farms, Inc., and (iii) Heritage Land Development, LLC as long as Heritage Land Development, LLC or any of its affiliates owns any Lot.

### AGRICULTURAL PLAN

- Agricultural Parcel(s). Terakee PRUDs will include agricultural acres in Weber County, Utah. Areas labeled "Terakee Farm" on the overall and phased plats represent portions permanently dedicated to agricultural related activities as defined under Weber County's Agri-Tourism Ordinance.
- Agri-Tourism. Agri-Tourism is an approved use on Terakee Farm as defined in Weber County's Agri-Tourism Ordinance and labeled on Terakee PRUD Plats.
- Agri-Tourism Uses. Agri-Tourism uses require a Conditional Use Permit approved by Weber County. All structures built on Terakee Farm will be in compliance with Weber County's Agri-Tourism Ordinance and established building standards. Uses may include, but are not limited to, an agricultural Farm Home, Agro-Ecology Research and Education Center, Nursery and Special Events, Livestock, U-Pick Operations, Amphitheater, Multi-Farm Open Air Market, Park/Play Area, Agricultural Arts Center, Baker/Café Featuring Farm Products, trail system designed to benefit the Owners.
- Terakee Farms, Inc. A corporation incorporated under the laws of the State of Utah for the purpose of exercising such powers and functions provided by the State of Utah. Terakee Farms, Inc. will be the sole owner of agricultural parcels identified and labeled within Terakee Neighborhoods.
- Timing. An Agri-Tourism Conditional Use Permit with Weber County will be applied for within eighteen (18) months after the completion of the final phase of Terakee PRUDs.

- Permitted Uses Prior to Agri-Tourism. Terakee Farms will be cultivated and managed for the pasturing, grazing and management of agricultural animals. Separate Conditional Use Permits will be applied for with Weber County for each usage. Residents of Terakee Neighborhoods shall not be permitted to engage in any activities that jeopardize organic farming activities and status.
- Trail System. Terakee Farms, Inc. will own and manage a trail system throughout the agricultural areas for the benefit and enjoyment of the residents of Terakee Neighborhoods and all Owners.
- Ownership. Terakee Farms, Inc. will be owned and operated separate from Terakee PRUD. Lot owners within Terakee PRUD have no ownership or involvement in management decisions, including, but not limited to, Agri-Tourism use and operation.
- Community Supported Agriculture. A dedicated portion, the size and scope to be determined at the sole discretion of Terakee Farms, Inc. will be allocated to Community Support Agricultural usage for the sole benefit of residents of Terakee Neighborhoods and Owners.
- Irrigation. Terakee Farm agricultural parcels have historically been flood irrigated with Hooper Irrigation Company water shares. At, or before, the completion of the each phase of Terakee PRUD a pressurized sprinkle and/or drip irrigation system will be designed and implemented by Terakee Farms Inc. as approved by Weber County for all Open Spaces within the development. All agricultural parcels may be irrigated at the sole discretion of Terakee Farms, Inc.

### **OPEN SPACE PRESERVATION PLAN**

- Open Space Areas. Open Space areas have been, or will be, identified on subdivision plats within Weber County, Utah. All open space areas labeled on Terakee plats will be owned and managed by Terakee Farms, Inc.
- Buck Ditch. The "Buck Ditch" is a privately managed ditch carrying secondary water from the Hooper Irrigation Company's main canal to water users to the south of Terakee PRUD. An easement, not ownership, has been created for the maintenance and management of the Buck Ditch. Any repair or maintenance of the Buck Ditch must be approved in advance by Terakee Farms, Inc.
- Hooper Irrigation Company Main Canal. Hooper Irrigation Company's main canal runs from

east to west along the northern most portion of Terakee PRUD as labeled on subdivision plats. Hooper Irrigation has an easement, not ownership, for service and management across this main water canal. Any repair or maintenance on the Hooper Irrigation Company Canal within Terakee PRUD must be approved in advance by Terakee Farms, Inc.

- Open Space Areas A & B. Open Space Areas A & B labeled on Phase One of Terakee PRUD Subdivision Plat will be landscaped and maintained by Terakee Farms, Inc. Open Spaces A & B will be sprinkle and/or drip irrigated by access from the onsite pressurized secondary water system defined in engineering drawings and will be owned and maintained by Terakee Farms.
- Open Space Area C. Open Space C is a Private Reflection Park owned, designed, maintained and managed by Terakee Farms, Inc. for the sole benefit and usage of residents of Terakee Neighborhoods and Owners. Open Space C will be sprinkle and/or drip irrigated by access from the onsite pressurized secondary water system defined in engineering drawings.
- Open Space Area D. Open Space D labeled on Phase One of Terakee PRUD Subdivision Plat will be the location of an Assisted Senior Living center. Prior to structures or landscaping being built on Open Space D, plans will be submitted for the approval from Weber County. Open Space D will be privately owned and maintained by Terakee Farms, Inc.
- Open Space Areas E & F. Open Space Areas E & F labeled on a future phase of Terakee PRUD Subdivision will be landscaped and maintained by Terakee Farms, Inc. Open Spaces E & F will be sprinkle and/or drip irrigated by access from the onsite pressurized secondary water system defined in engineering drawings.
- Open Space Areas G & H. Open Space Areas G & H labeled on a future phase of Terakee PRUD Subdivision will be landscaped and maintained by Terakee Farms, Inc. Open Spaces G & H will be sprinkle and/or drip irrigated by access from the onsite pressurized secondary water system defined in engineering drawings.

### **PRESSURIZED SECONDARY WATER SYSTEM**

- Pressurized Secondary Water Pond Location. A pressurized secondary water pond and pump system will be located on the Agricultural Parcel within the Project to service the Project and the Lots.

- **Ownership & Maintenance.** The pressurized secondary water pond and system will be solely owned and managed by Terakee Farms, Inc. Repairs and maintenance will be the sole responsibility of Terakee Farms, Inc.
- **Building Lot Secondary Water Usage.** Each Lot will have the maximum amount of secondary water displayed on the applicable Plat. Each Lot will be metered separately.
- **Culinary Water.** Culinary Water will be provided by Taylor West Weber Water District, or any successor governmental agency or water company. Culinary water will not be allowed to be used to irrigate yards or landscaped areas.

### MISCELLANEOUS

- **Remedies.** The Owners, by simple majority vote on the basis of one vote per Lot, will have the right to enforce observance and performance of all obligations and terms set forth in this Declaration, and in order to prevent a breach thereof or to enforce the observance or performance thereof have the right, in addition to all legal remedies, and all other rights and remedies set forth in this Declaration, to an injunction either prohibitive or mandatory. Each right and remedy set forth in this Declaration is separate, distinct and non-exclusive, and all are cumulative. The pursuit of any right or remedy so provided or as provided by law, or the failure to exercise a particular right or remedy, will not be construed as a waiver of such right or remedy or any other right or remedy. Without limitation of the foregoing, the provisions of this Section are declared specifically to be cumulative of the provisions of this Declaration. Any Owner has standing to enforce or file an action under or relating to this Declaration.
- **Owner Liability.** Each party that violates any of the provisions of this Declaration is liable for payment to the affected party(ies), and hereby indemnifies and holds harmless the affected party(ies) from, any and all claims, liabilities, damages, loss, costs, expenses, suits and judgments of whatsoever kind, including reasonable attorney's fees whether incurred prior to, during or after proceedings in a court of competent jurisdiction, incurred or attributable to any such violation(s), and must pay over to the affected party(ies) all sums of money which the affected party(ies) may pay or become liable to pay as a consequence, directly or indirectly, of such violation(s). All such sums are due and payable upon

demand by the affected party(ies).

• **Insurance.** Terakee Farms, Inc., must at all times maintain the following insurance:

- A public general liability insurance policy covering the Terakee Farms, Inc., its officers, Board members and managing agents, having at least a Two Million Dollars (\$2,000,000.00) limit per total claims that arise from the same occurrence or in an amount not less than the minimum amount required by applicable law, ordinance or regulation. Coverage under this policy shall include, without limitation, all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the Open Space. Each Owner shall also be an insured.
- Terakee Farms, Inc. shall maintain a blanket policy of property insurance covering Open Spaces and all buildings and improvements within the Open Spaces. The blanket policy shall exclude land and other items not normally and reasonably covered by such policies. At a minimum, the blanket policy shall afford protection against loss or damage by: (1) fire, windstorm, hail, riot, aircraft, vehicles, vandalism, smoke, and theft; and (2) all perils normally covered by "special form" property coverage. The blanket policy shall be in an amount not less than one hundred percent (100%) of current replacement cost of all property covered by such policy at the time the insurance is purchased and at each renewal date. The actual replacement cost of the property shall be determined by using methods generally accepted in the insurance industry. The blanket policy shall include either of the following endorsements to assure full insurable value replacement cost coverage: (1) a Guaranteed Replacement Cost Endorsement under which the insurer agrees to replace the insurable property regardless of the cost; and (2) a Replacement Cost Endorsement under which the insurer agrees to pay up to one hundred percent (100%) of the Property's insurable replacement cost but not more. If a loss occurs that is covered by the property insurance policy in the name of Terakee Farms, Inc., and another property insurance policy in the name of an Owner, then the Terakee Farms, Inc.'s policy provides primary insurance coverage, and: (i) the Owner is responsible for the Terakee Farms, Inc.'s policy deductible; and (ii) the Owner's policy, if any, applies to that portion of the loss attributable to

the Terakee Farms, Inc.'s policy deductible.

- o Terakee Farms, Inc., shall obtain and maintain adequate fidelity coverage to protect against dishonest acts by its officers, members of the Board, employees, and all others who are responsible for handling assessment funds collected under this Declaration. Such fidelity coverage shall: (i) name each Owner as an obligee; (ii) not be less than the estimated maximum of funds, including reserve funds, in the custody of Terakee Farms, Inc., as the case may be, at any given time; (iii) contain an appropriate endorsement(s) to the policy to cover any persons who serve without compensation if the policy would not otherwise cover volunteers; (iv) provide that coverage may not be canceled or substantially modified (including cancellation for nonpayment of premiums) without at least ten (10) days prior written notice to the Owners.



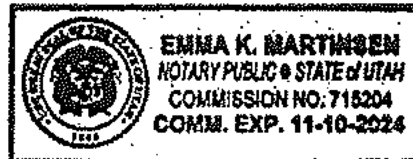
*Terakee Properties LP signature and approval shown on last page of this document*

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first written above.

TERAKEE PROPERTIES LP  
a Utah Limited Partnership

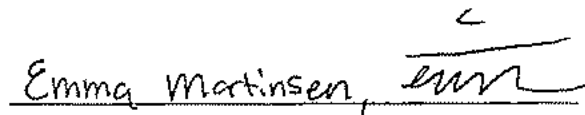
  
Brad A. Blanch  
General Partner

STATE OF UTAH



COUNTY OF WEBER

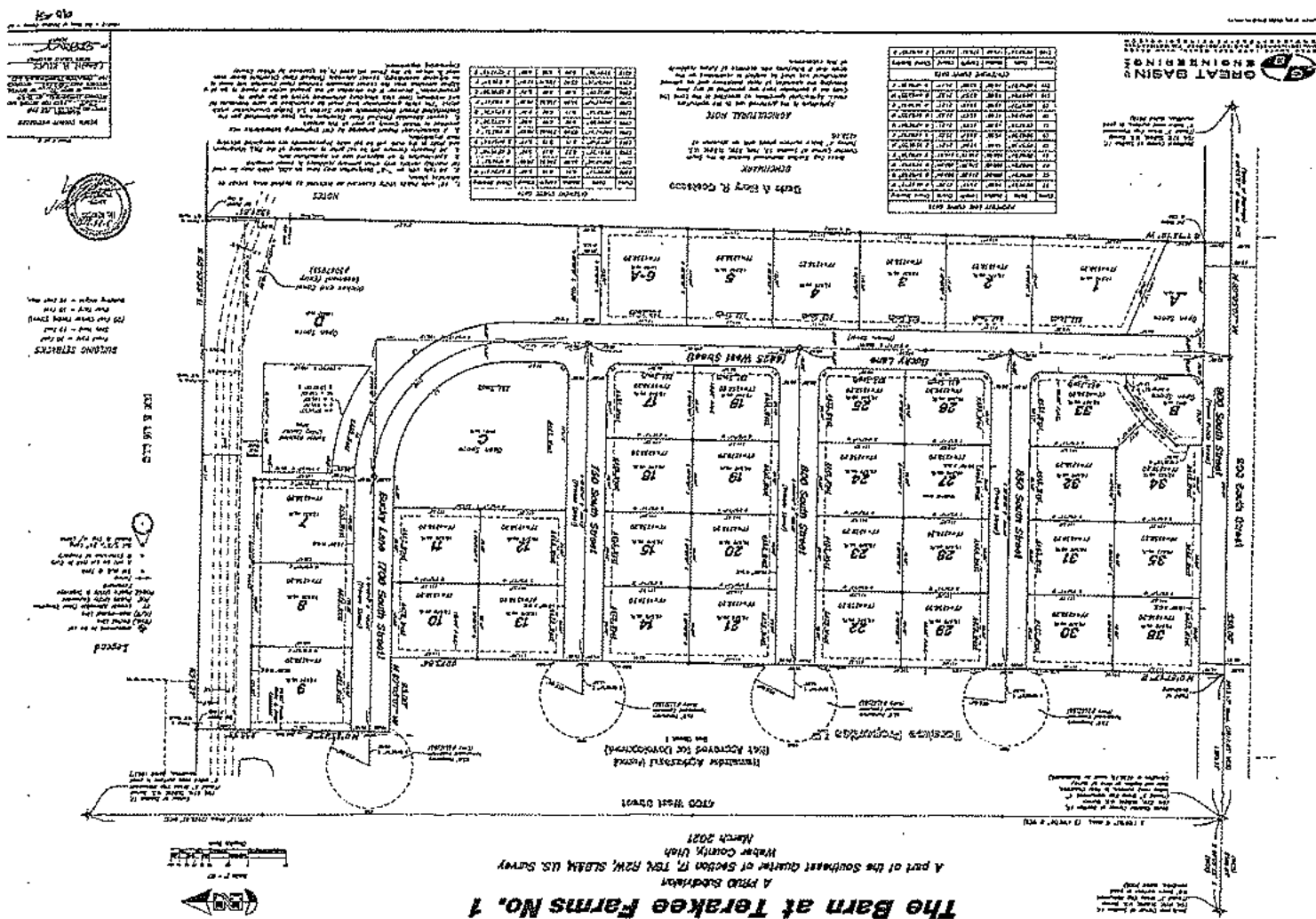
On this date personally appeared before me, Brad A. Blanch, the signer of the foregoing instrument who duly acknowledged that he executive the same.

  
Emma Martinsen,  
Notary Public

My Commission Expires:

11-10-24





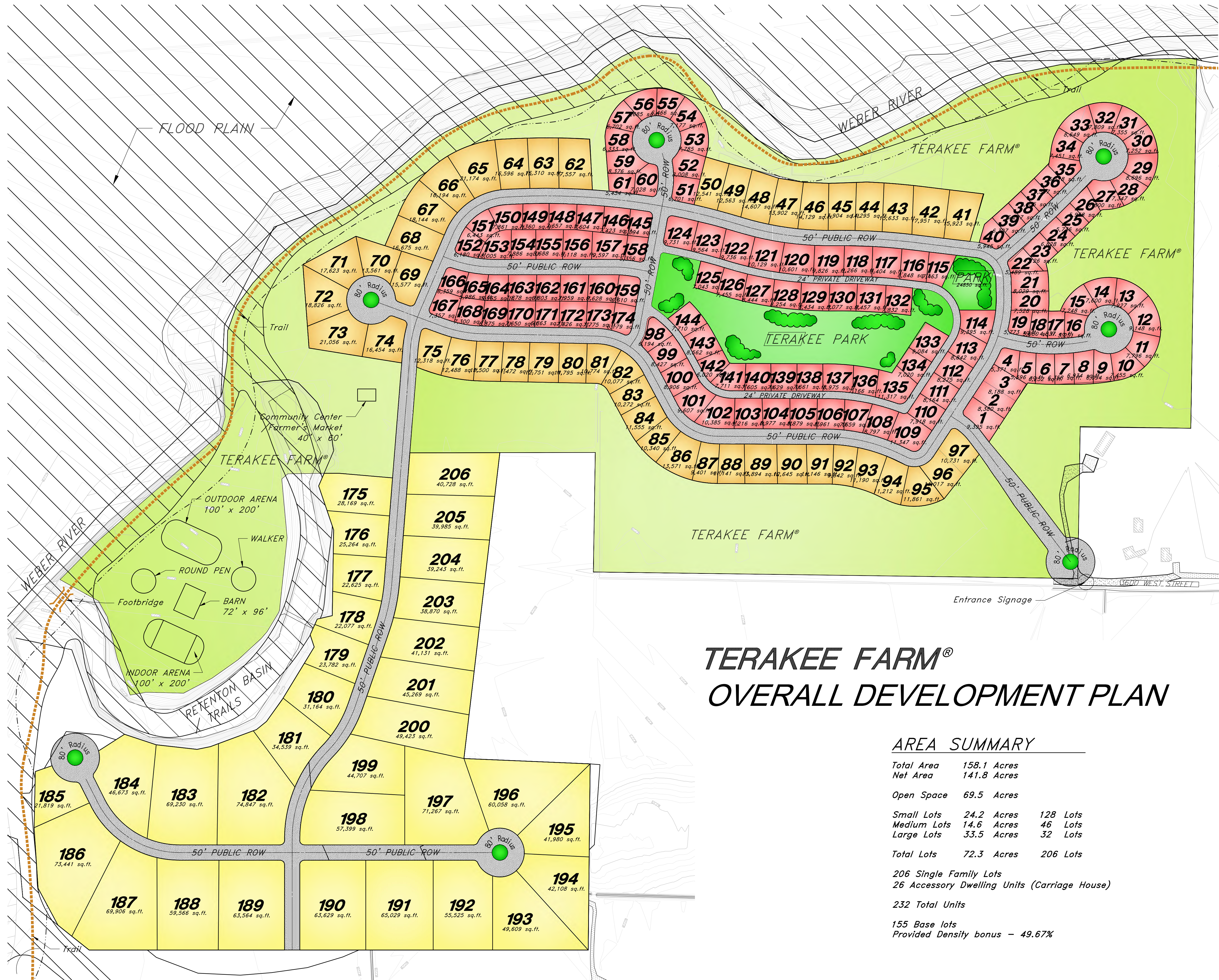
**END OF CC&Rs**

**NO OTHER EXHIBITS BEYOND EXHIBIT "A"**

**Approved to be Recorded by Declarant  
Terakee Farms, Inc. & Terakee Properties, LP**

**By Brad Blanch**

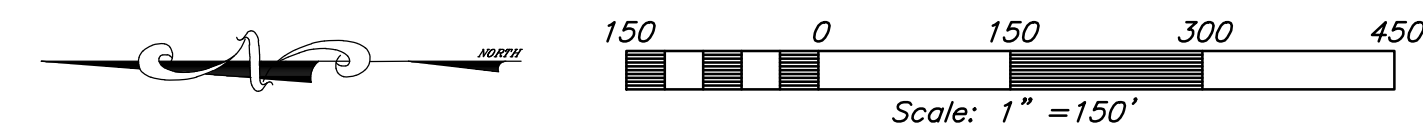




## TERAKEE FARM® OVERALL DEVELOPMENT PLAN

### AREA SUMMARY

Total Area	158.1 Acres		
Net Area	141.8 Acres		
Open Space	69.5 Acres		
Small Lots	24.2 Acres	128	Lots
Medium Lots	14.6 Acres	46	Lots
Large Lots	33.5 Acres	32	Lots
Total Lots	72.3 Acres	206	Lots
206 Single Family Lots			
26 Accessory Dwelling Units (Carriage House)			
232 Total Units			
155 Base lots			
Provided Density bonus - 49.67%			







# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### APPLICATION INFORMATION

**Application Request:** A public hearing for consideration of a requested rezone from A-2 to M-2 located at approximately 1941 S 5100 W.  
**Agenda Date:** Tuesday, December 14, 2021  
**Applicant:** Randy Ropelato  
**File Number:** ZMA 2021-05

### PROPERTY INFORMATION

**Approximate Address:** 1941 S 5100 W, Ogden  
**Zoning:** The area to be rezoned is currently A-2  
**Proposed Land Use:** Manufacturing

### ADJACENT LAND USE

<b>North:</b>	Agricultural	<b>South:</b>	Commercial
<b>East:</b>	Residential	<b>West:</b>	Agricultural

### STAFF INFORMATION

**Report Presenter:** Steve Burton  
sburton@webercountyutah.gov  
801-399-8766  
**Report Reviewer:** CE

## Applicable Ordinances

§ 102-5: Rezoning Procedures

§ 104-21: Manufacturing Zones

## Legislative Decisions

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

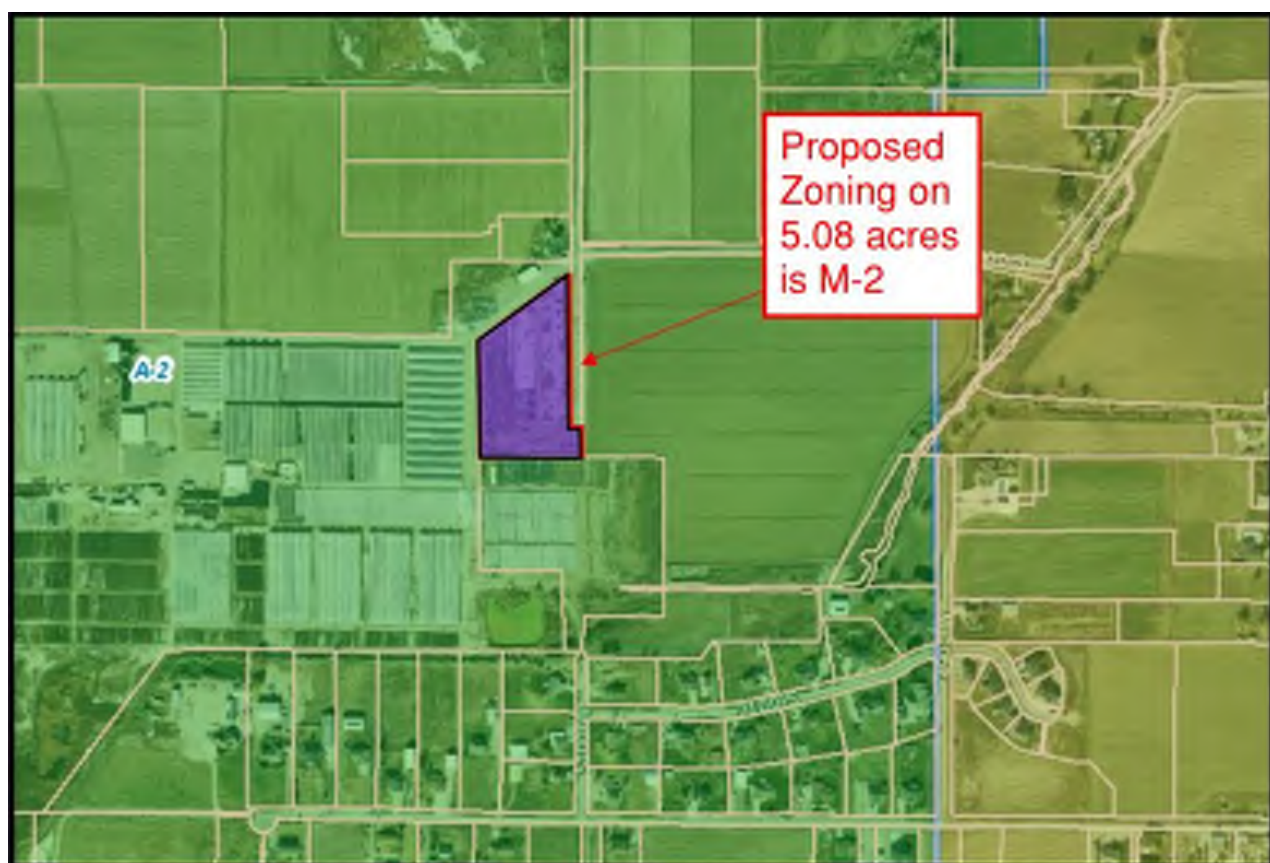
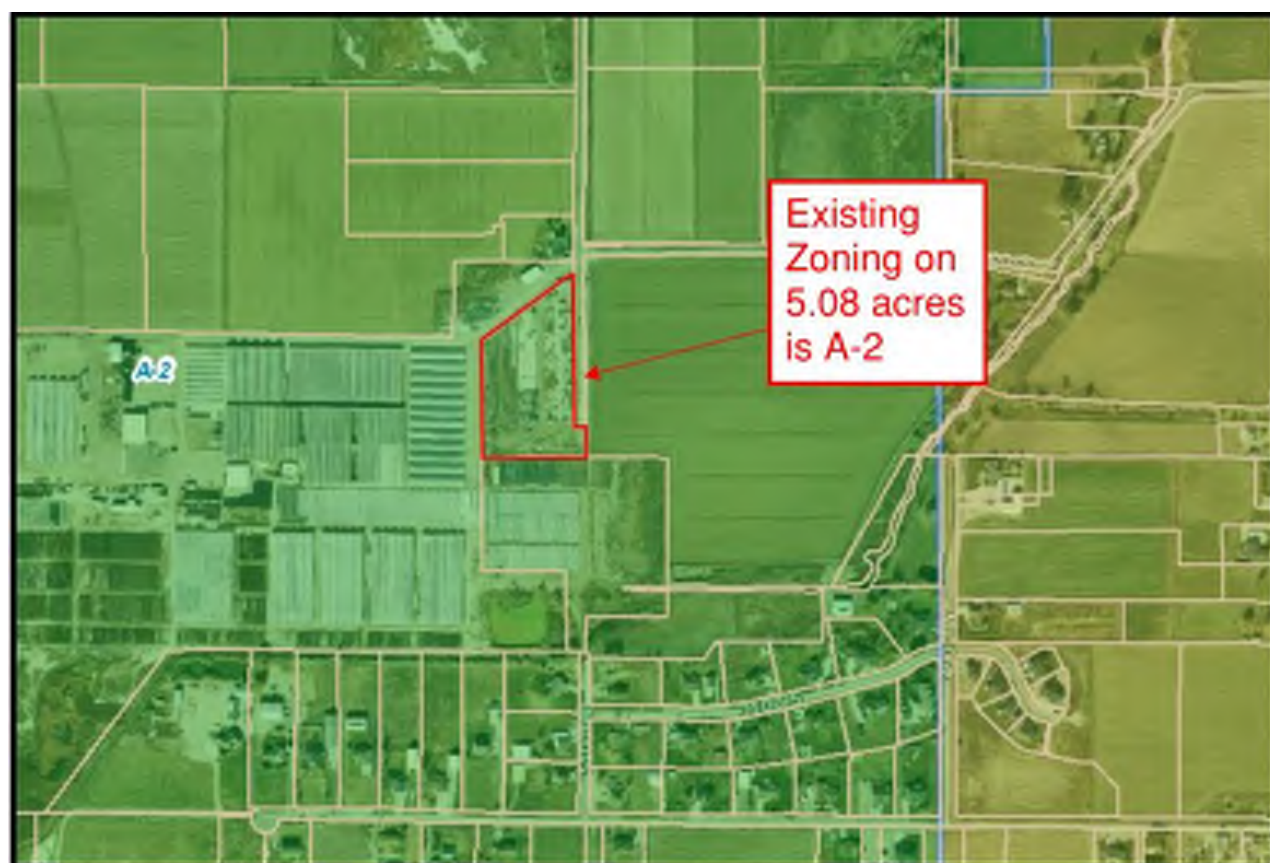
## Summary

This item is an applicant-driven request to amend the zoning map from A-2 to M-2 on 5.08 acres. The applicant initially applied for C-1 (commercial) zoning, but has since requested M-2. The M-2 is proposed because outdoor storage is not allowed in any of the commercial zones or the M-1 zone. If rezoned to M-2, the property will be used for warehousing, outdoor storage, and outdoor storage of contractor's equipment to be rented. Under the M-2 zone, the following uses are listed as either permitted or conditionally permitted:

Outdoor Storage. (Conditional).

Contractor's equipment storage yard or rental of equipment used by contractors. (Permitted).

Warehouse. (Permitted).





## Policy Analysis

### Concept Plan

The concept site plan that was provided with this application is below.



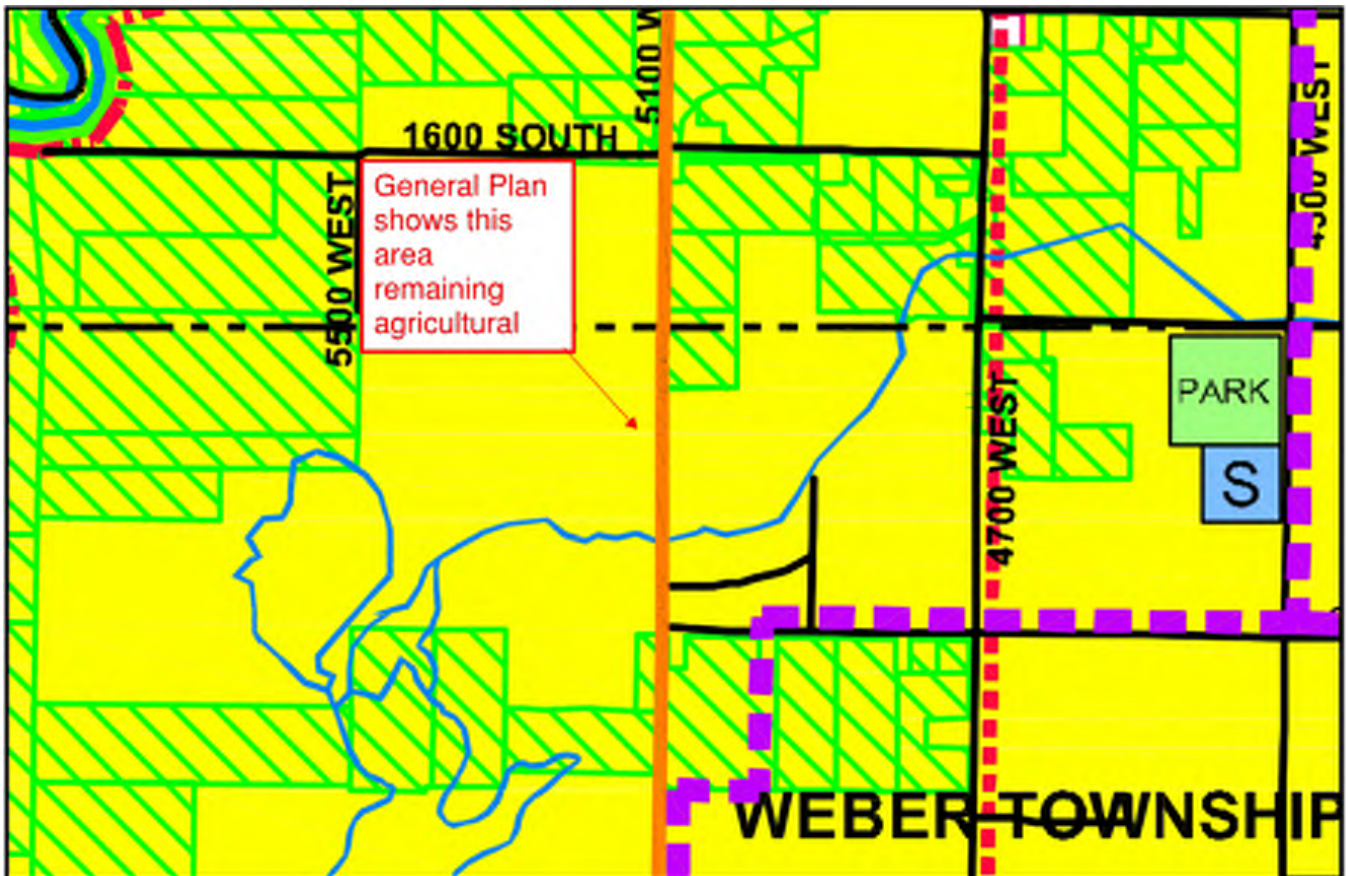
The site plan includes office space for the operation of the business, as well as a large warehouse for storage. The rest of the site will be used for a storage yard, asphalt parking, and landscaping. The consideration of this site plan does not constitute any kind of site plan approval, but is meant to provide the Planning Commission and County Commission with a general concept of the site, if a rezone is approved.

### Water and Sewer Feasibility

The applicant plans to connect to Central Weber Sewer for a sewer connection and Taylor West Weber Water for culinary water needs. The proposed landscaped area will be xeriscaped, requiring minimal water. Once the applicant subdivides or submits a design review application, they will be required to show that there are approved water and sewer connections to the site.

### General Plan

The Future Land Use Map of the West Central Weber County General Plan indicates that this area should remain zoned as agriculture (yellow). The county is currently in the process of creating a new general plan. The future land use map for the new general plan has not been created yet. This proposal does not conform to the current general plan policies for this area, as this proposal is not related to agriculture.



### **County Rezoning Procedure**

The land use code lists the following as considerations when the Planning Commission makes a recommendation to the County Commission:

*A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:*

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- b. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*
- c. *The extent to which the proposed amendment may adversely affect adjacent property.*
- d. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- e. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- f. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

## Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation to the County Commission to deny the proposed rezone of approximately 5.08 acres from A-2 to M-2, File #ZMA 2021-05.

This recommendation may come with the following findings:

1. The proposed rezone does not conform to the current general plan, by proposing manufacturing zoning within an area shown to be agriculture within the Future Land Use Map of the West Central Weber County General Plan.
2. The county is in the process of amending the general plan, and it is unknown what this parcel's future land use designation will be in the general plan.



## Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted

8-10-21

Received By (Office Use)

Added to Map (Office Use)

## Property Owner Contact Information

Name of Property Owner(s)

Randy J. Ropelato

Mailing Address of Property Owner(s)

3954 W. 1400 So.

Phone

801-731-3980

Fax

Ogden, Utah 84401

Email Address

garope29@aol.com

Preferred Method of Written Correspondence

☒ Email☐ Fax☒ Mail

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

Mailing Address of Authorized Person

Phone

Fax

Email Address

Preferred Method of Written Correspondence

☐ Email☐ Fax☐ Mail

## Property Information

Project Name

Current Zoning

A-2

Proposed Zoning

C-1

Approximate Address

1941 So. 5100 West  
Ogden, Utah 84401 (Taylor)

Land Serial Number(s)

15-081-0021

Total Acreage

5.08 ac

Current Use

ag + yard waste composting

Proposed Use

Light Comm.

## Project Narrative

Describing the project vision.

Property could be used for Commercial use because it is in front of a commercial Nursery Operation. (Nursery is currently on Three sides of this ~~property~~ property)

Thus, No one is going to build houses in a area surrounded by a commercial operation. Also A-2 Zoning doesn't ~~any~~ allow any viable business to be There.

## Project Narrative (continued...)

How is the change in compliance with the General Plan?

Because it is on 5100 W. Which is currently a road on the master plan.

Why should the present zoning be changed to allow this proposal?

Because it would allow for a better Tax base and community use.

## Project Narrative (continued...)

How is the change in the public interest?

Because housing <sup>Developments</sup> are coming into this area and we feel a C-1 Business would benefit the community better than an comm. ag. area.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

The commercial nursery was not there during the last general plan was adopted.





Proposed Site Plan for 1900 S 5100 W

4,000 SF (50'x80') of Office Space and 18,000 SF (90'x200') Warehouse

27,000 SF of Asphalt for Parking and Main Entrance

7,200 SF of Landscaped Areas - Sign to be at front of property

165,000 SF of Yard Space for Construction Material and Equipment Storage



## Exhibits

Exhibit A: Application

Exhibit B: Concept site plan