

## WESTERN WEBER PLANNING COMMISSION

### MEETING AGENDA

**May 8, 2018**

**5:00 p.m.**

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

1. **Approval of minutes for April 10, 2018 minutes.**

2. **Administrative items**

2.1 LVC101217- Consideration and action on a request for final approval of Cameron Cove Cluster subdivision, consisting of 27 lots.

3. **Public Comment for Items not on the Agenda**
4. **Remarks from Planning Commissioners**
5. **Planning Director Report**
6. **Remarks from Legal Counsel**
7. **Adjourn to Work Session**

**WS1. DISCUSSION:** A discussion regarding a proposed general plan map amendment and rezone from M-1 to A-2 for several parcels located at approximately 7900 West 900 South, West Warren, Utah.

*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.*

***Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.***

*A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the 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 801-399-8791***

## 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

### 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 hand written 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.
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Minutes of the Western Weber Planning Commission meeting of April 10, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

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

**Members Excused:** Mark Whaley

**Staff Present:** Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel

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

**1. Approval of minutes for February 13, 2018**

Chair Hancock asks if there are any corrections to the minutes. There are none. Commissioner Heslop makes a motion to approve minutes as presented. Commissioner Willener seconds. Motion carries (5-0)

**2. Approval of the 2018 Planning Commission Rules of Order**

Chair Hancock asks if everyone has had a chance to review the Rules of Order. He states that they had a chance to discuss them last meeting. Commissioner Parke makes a motion to approve the Rules of Order. Commissioner Willener seconds. Motion carries (5-0)

**3. Administrative items**

Chair Hancock turns the time over to Director Grover. Director Grover states that the first item is an administrative item, it not required to have a public hearing but it is recommended to take public comment. He states that Mr. Lleverino will give a background, and the applicant Mr. Doug Hamblin would be representing the project. Mr. Lleverino will then explain how it is or how it's not meeting the code.

Chair Hancock asks before they get started are there any conflicts of interest or ex parte communications. There are none.

**a. New Business**

**3.1 LVB100114- Consideration and action on preliminary and final approval of Cameron Crossing Subdivision, a standard subdivision.**

Mr. Lleverino gives an overview of the project. It is a standard subdivision for preliminary approval. He states that in order to follow proper procedure the Planning Division has brought this proposal before the Planning Commission because it was approved for a time extension and the time has lapsed. He states that it is brought back for preliminary approval.

Chair Hancock asks Mr. Hamblin if he would like to address the Planning Commission. He points out that this was an item that was tabled last month due to an elevation concern with the property owner. Mr. Hamblin states that

he and the engineer from the county have met with the property owner to discuss his concerns. He states that they addressed all of the property owners concerns. He wants to move forward with the recommendations. He just wants to make sure that they properly sloped the drop-offs between the sidewalks and his property. Commissioner Heslop asks regarding the Taylor West Weber Water Improvement District approvals it says that it expires 6/17/2015. Is the water permit in order at the present time or has it expired? Mr. Hamblin states that the water system is in and the fees have all been paid. Everything is in order. Mr. Lleverino gives an overview of changes made to the application and overall summary as listed in the staff report.

Chair Hancock opens to public comment-there are none.

Chair Hancock asks Planning Commissioners if there are any further question- there are none.

Commissioner Heslop moves to approve the preliminary and final approval for the Cameron Crossing subdivision this is based on the recommendations and meeting the requirements from the state review agencies with the following conditions.

1. That the escrow account is created for the remaining subdivision improvements.

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 the applicable ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Commissioner Willener seconds. Motion carries (5-0)

#### **4. Legislative items**

Chair Hancock turns the time over to Director Grover to give an introduction and additional instruction on the following legislative items. Director Grover states that as these are legislative items it is required have a public hearing. It is important that after all public comment that you close the public hearing. Once it's closed you come back to the Planning Commission for deliberation. He states that both of these items are instigated by staff so there are no petitioners it is all staff driven.

##### **4.1 Public Hearing: ZTA 2017-15 Consideration and action to the modification to the Cluster Subdivision ordinance to amend open space requirements and provide clarification.**

Mr. Ewert states that we are very close and the County Commission has asked for final call for decisions from the Planning Commissions on this. They would like to get a new cluster code adopted before the 180-day pending legislation time frame runs out. They want to see this proposal on May 1<sup>st</sup> at the County Commission meeting and it can't be done without Planning Commissioners recommendation. He states that whether they are in favor or opposed, they just need the recommendation to take formal action. Mr. Ewert states that he would like to run the Planning Commissioners through modification based on what Ogden Valley Planning Commission has discussed. He points out that it would be good to keep in step with them, to avoid having to use two different ordinances. He states that Ogden Valley Planning Commission recommended approval but they wanted some things changed. What can be found in the bonus density section is a hybrid transferable right program. The is the ability to move density units from another property to your Cluster subdivision for

more bonus points. There would be more concentration of density in one area while leaving other properties more open and less developed. The general plan for Western Weber and Ogden Valley recommends programs such as this. What is written hasn't been vetted and fleshed out. He states that Ogden Valley isn't comfortable adopting it just yet, it might be a few more work sessions before it's ready. In the Ogden Valley, they are going to do a whole transferable development right code. They already have elements of this in the resort zones, it's not seen in the West. He states that he recommends excluding that from the recommendation to the County Commission. The other thing he recommends to look at is a little bit extra language. Option B. It is clarifying language for open space parcel area. Regarding bonus density, once everyone has all the information on what 1 unit to the acre does and the potential need for incentive for developers to hold properties open and undeveloped, people tend to warm up to the idea. He states that in the last work session they asked for a graduated scale of bonus density based on the acreage of the subdivision. If you have 10 acres you get 10 percent if you have 50 acres you get 50 percent, but nothing over 50. The hope is that as a land investor are looking at a 20 acre and they see a 20 percent bonus density possibility they might look at the neighboring parcel also, creating more value with scale. If we are looking at more value with scale, we might see larger plat consumed by a whole subdivision but having 50 percent of that be open space. We might see larger open space parcels, which we are going to need if we are going to see long-term agriculture. He states that some people believe that agriculture is dead or dying, and if we aren't providing reasonable places for agriculture to exist, it will by nature die. He points out that fewer kids are getting into agriculture and farmers are getting out of it as they retire. We may not see the negative aspect of it in the short term but we will see it in the long term. As sustainable as we can get long-term in the agricultural realm, at least provide an opportunity.

Mr. Ewert states that regarding bonus density he would just like to go over the changes. Section 108-3-8 Bonus Density. In Western Weber Planning Area, bonus density shall be awarded on a one to one ratio with the gross acreage of a project area. However, no bonus density shall be awarded for a project with a gross acreage less than 10 acres, and no bonus density over 50 percent shall be awarded for projects a gross acreage over 50 acres. A subdivision that is awarded density shall:

- 1. Provide a minimum 50 percent open space of the net developable acreage, as defined in Section 101-1-7.*
- 2. Provide one street tree of at least two-inch caliper, from a species list as determined by county policy, every 50 feet on both sides of each street, within the project boundaries. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to the 50-foot spacing as otherwise reasonably possible.*
- 3. Comply with all provisions of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is incorporated by reference herein as applicable to a cluster subdivision in the Western Weber Planning Area that receives bonus density. A note shall be placed on the final subdivision plat indicating this requirement.*

Mr. Ewert states there is not some subjective bonus density criteria here either you are going to comply with principles and get bonus density or you are not. The hope is agriculture open spaces, dark sky treatments, street trees in communities, and minimum 50 percent open space. Mr. Ewert asks if there are any questions from the Planning Commissioners. There are none.

Mr. Ewert states that in order to implement the code the way it's written, we needed a number of new definitions.

Accessory dwelling unit, if a section of code regarding transfers were to be adopted. He states that it is right to keep the changes specifically where the accessory dwelling unit comes up.

Adjusted gross acreage and net developable acreage, he states that as he read those definitions he couldn't find any real difference between them. He states that he believes that one showed up at one point in time-based on one ordinance and then without realizing it another ordinance was proposed using different

language. In 2012 all these different codes were combined and all the definitions showed up next to each other. He states that he is deleting one in favor for the other and modifying it a bit to make it more general to the entire code. Everything you find in this definition you can find somewhere else in the code. Now it's all in one centralized definition.

Acreage unsuitable for development, what the code previously said nondevelopable area. He states that this misleading. There are very few areas that are not developable, it just depends on how deep your pockets are. It was changed to Acreage unsuitable for development, it is a bit subjective, generally speaking, these are areas that are not going to see a lot of development.

These terms are important to properly define because when we are looking at how much density is entitled on a piece of property, right now there is nowhere in the code that tells us how to do that calculation. We know that based on the type of zone, in the A-1 zone using one unit every 40,000 square ft. We can do the math and figure out how many units can come out of a 40-acre property. There isn't anywhere that actually explain how to do the calculation. When you are looking at net developable acreage you are adjusting 10 percent for open space. You don't want to give somebody all the bonus of the 40-acre parcel if they have to pull out acreage for the roads. You have to adjust for road space, soil issues, slopes, and area suitable for development.

He states that then regarding base density. The term "base density" means the number of units allowed in an area. For development types that permit a reduced lot area that otherwise provided by the zone, it's going to be cluster and PRUD, the base density shall be calculated as the net developable acreage, as defined herein, then divided by the minimum lot area of the zone. This calculation can be observed by this formula:  $((\text{net developable acreage}) / (\text{minimum lot area})) = \text{base density}$ . The result shall be rounded down to the nearest whole lot.

The word Estate lot shows up he just wanted to make sure it was better defined.

He points out that the phase nondevelopable area shows up twice in the definition section so it was just stricken.

As far as all the edit blue line and red line normally what he gives is the blue line and redline additions and strikeouts. That is not what he did in this case, because we've been working on this for so long. He states that the blue lined and redlined the difference between what was seen last time and what you are seeing this time. The County Commission will see blue lines and redline from the original code. It's going to be all red knockout and all blue addition. All the little thing distributed throughout in blue and red is just changes made by the staff and the legal department to make sure it is clear and concise as it can be. One exception is subdivision phasing. We have a phasing plan already in our subdivision ordinance. He states that they are in the process revising the subdivision ordinance. He points out that he opted for waiting until the subdivision ordinance is done, as opposed to having two different things in two different places. He asks if the Planning Commissioners are comfortable with this. They are. He states that subdivisions can be phased there is a time schedule in the existing subdivision ordinance, this was being a lot more flexible than what's in the existing subdivision ordinance.

Mr. Ewert states that regarding Section 108-3-4 Residential cluster subdivision design and layout standards, generally. There is additional language there is quite a bit of subjectivity to determine what ridgelines, canyons, waterways, stands or grouping of mature vegetation, wildlife habitat and other sensitive ecology is. The intention was to allow the developer to determine what they want to preserve. The Ogden Valley Commission wanted to be less permissive. He states that we don't the developers protecting something that has no community value. The developer needs to find something from the county general plan, a state document federal document, some sort of conservation document.

Regarding street configuration, the Ogden Valley Planning Commission has asked to be excluded from the way that this is written. He points out that out west we are looking at street configuration along existing road and where possible along existing quarter line section roads. In the Ogden Valley, they already have a master street plan. They are not following the grid system anymore they would rather see meandering roads as their main roads. He states they are just going to stick to whatever is in the general plan. The County Commission will receive a hybrid it will still be as applicable as it is written in this version to Western Weber and there will be an amendment specific to the Ogden Valley.

Regarding Pathways, he states that on the County's active transportation coordinator we have an active transportation committee. There are a lot of conference on how to make active transportation measures to make non-motorized transportation options attainable for residences. He tells the Planning Commissioner that as they are thinking about this as a livable community perspective they are going to see a lot of people want pathways within their communities with direct access their schools and the churches for the recreational opportunities. In a larger scale both in terms of health impacts and cost savings there is a lot of broad application and under the pathways section, what is shown is a list of criteria on how appropriately design a pathways grid. The average American will not walk more than a quarter of a mile to their destination. If you want to find yourself in a walkable community, we need to provide pathways or active transportation that will get people to their destination within a quarter of a mile. If we can provide a social environment where there are more opportunities to go from place to place. The County code currently has a street block standard if you are building a subdivision you have to create a new block every maximum 1300 ft. if you are on an existing length of road and you are developing your frontage within that area if you are between 500 ft. and no more than 1300 ft. from the nearest intersection you have to provide a new street with a new intersection. What this does is it treats pathways somewhat similar to that just a strong network of connectivity. Commissioner Borklund asks if it can be simplified for the regular population. Mr. Ewert states that he is currently working with legal on simplifying it. Commissioner Borklund points out that it might be good to have a diagram. Mr. Ewert states that this was his first thought also, to simplify it and add a diagram. He states out that he is going to pass the pathways section along to the County Commission as is and the counties recommendation and he aware that there is some room for improvement.

He points out that most of what is seen in strikeouts between the following pages is clarification, and completing incomplete paragraphs where they were incomplete before, but not substantial changes or modifications.

Regarding the open space parcels shall be organized in the contiguous open space areas.

When we are looking at that, we were looking at ways to simplify the standards. He states what we wanted to do in our discussion was try to encourage open spaces that are sustainable agriculture opportunities for the future. A 50ft foot wide implement needs to have the ability to make at least 3 turns. The way it was written before was hard to understand. We are looking at 450 ft. wide. A really important point make is if there is any ambiguity we have to rule in favor of the applicant if it's a reasonable interpretation. There is a couple of addition based on some of the new definitions.

Regarding drainage facilities. Drainage detention and retention facilities may be located on an individually owned preservation parcel and count towards the subdivision's overall open space area, but the acreage of the facility shall not be included as a part of the parcel's agriculture use, and the acreage of the facility shall be in addition to, not a part of, the minimum parcel area requirement. He states that it is modified a bit to make more sense.

Regarding option B., it is modified a bit more. One of the concerns from the Ogden Valley was isn't drainage required for agriculture operations too? He points out that they don't necessarily mean agriculture they mean the drainage facilities for hard surfaces of the subdivision, so there was some clarifying language added.

Mr. Ewert states that one thing he forgot was on estate lot we want the same language as listed in individually owned open spaced. The Planning Commission can make their recommendation to add option B as a recommendation if they like it.

Mr. Ewert points out that he's been working really hard to make it executed for approval by the Planning Commission. He states that as he got thinking about it, the current code does do something right, in the context that it probably needs a separate agreement to discuss each of these, maintenance and, what the open space plan is. He states the goal is to create an open space plan that can be amended through time without having to amend the entire open space plat. If we adopt the open space plan through the plat we are going to be amending those plats for open space amendments. It's going to be a waste of time and an unnecessary waste of money for the applicant. If they can get in and amend the agreement also the County Surveyors will be able to see who the owner of those open space parcels is going to be over time.

One other addition was that any violation of the approved open space plan of the constitutes a violation of the land use code. Even though it's a private agreement or a special agreement it is authorized through the land use, therefore, it is a violation of the land use code.

Mr. Ewert points out that everything from line 568 through to line 644 should be omitted if the recommendation from the Planning Commission is positive.

He states that regarding Home Owners Association there has been some concern, they are hoping that with the way the individually owned preservation parcels and the estate lots are going there will be less need for HOA's. There is still the option for it to exist, but there are criteria that the HOA's need to comply with.

Commissioner Parke states that they could essentially put a farming area in a subdivision. There might be issues of liability and trespassing. He asks how we can get around it. Mr. Ewert answers that at this point there are subdivisions going in next to farmland. It's one of the reasons you see the no trespassing signs. He states this will not necessarily change anything, it will create more density where farmland would be. The farmland would be privately owned, so it would be trespassing. It would be up to the farmer to see that it is properly fenced to keep people out. Commissioner Parke states that regarding sustainability, two things that are very important agriculture operations, and developments. He states that he just wants to make sure they aren't making more problems than what we are solving. Mr. Ewert states that the question is how to most appropriately do that while not denying the person the ability to divide and another person the ability to farm. There are more abrasive things that jurisdiction can do. We can say that this particular is known for residential and the agriculture can exist until residential pushes it out. Agriculture and residential can exist so long as agriculture is not pushing it out. Commissioner Parke states that the problem where he lives is he has 2000 cow a mile away. The agriculture has a responsibility, he states he lives a quarter mile from where they blow and there were times where his white car would be green from the stuff they blow. He would like to see a rule or something that would allow both to coexist. Mr. Ewert states that a few years ago he went to the Farm Bureau and they talked about self-government. It was specific to the selling of non-pasteurized milk. The dairy farmers were saying we need to create rules ourselves because if we don't the public will create rules on us and they are going to be more restrictive than they need to be. He states that he really appreciated that discussion. He appreciated the responsible farm owners for that. Commissioner Parke states that these are issues are going to have to be addressed, the deeper we go into development. Director Grover states that one thing the Planning Commission may want to look at when the agriculture preservation plan with more scrutiny. One benefit we have with the cluster subdivision is the agriculture preservation plan that will be associated with it, you don't have that with a standard subdivision. A standard subdivision can come in next to a farm area and there are no restrictions. He points out with the cluster subdivision the public knows what they are buying into. They know that agriculture will be next to them, and if they are doing their due diligence they are looking into the agriculture preservation plan. They should know what areas are required to be fenced off or that there is certain restriction regarding fertilizing. With the cluster subdivision, you do have

that benefits, but not with the standard. Commissioner Borklund asks if Mr. Ewert can give more detail on what is required for an agriculture preservation plan. Mr. Ewert states that they are going to identify what is going to be privately owned and what's going to be a common area. He states that there are pros and cons. One of the benefits is there will be more flexibility, the con is there will be less predictability on the back end. He states that the Planning Commission can impose conditions reasonably related to operations and maintenance and compliance of the open space plan. It would be reasonable under that criteria to put conditions on the plan that would be then be incorporated into the open space plan. Commissioner Willener states regarding line 239 where it talks about pathways she just wants to make sure that by allowing pathways as an alternative to for sidewalk that we aren't alleviating the responsibility for curb and water management. Mr. Ewert states that curb, gutter, and sidewalk are part of the existing subdivision code it is required. He states that our code does allow for deferrals agreements so that people can defer the reasonability to install it for a later when the county is ready for it. He states that he is going to recommend that we don't do deferrals. They are really hard to call on. It feels a bit like bait and switch. Commissioner Willener asks this is only allowing a pathway in lieu of the sidewalk. The curb and gutter would still be required on both sides of the street fully integrated into the storm drain. Mr. Ewert states that another part of the subdivision code is all the engineering and design requirements for the infrastructure so there will be plenty of time to discuss what type of curb, in all cases either a sidewalk or a pathway. Mr. Ewert states that he would like one more brief request in making a recommendation he asks that they allow some flexibility to continue to mold the language with the attorneys. He states that he would like to remind them to address option B.

Chair Hancock opens the public hearing

Gary Hipwell 313 S 3600 W states that he would like to know how big the lots in the clusters are and how far apart are they from each other. He asks if they have ordinances on this and amount of the value of the homes. He states that he can't see how they can put 40 homes on 17 acres and the houses are going to be on half of that. people are going to be riding their ATV's. He did custom farming for other people and when you use a bailer you walk had to walk around to make sure you didn't bring up bicycles or whatever. If in this instance if you look at where the open space is in the 40 house subdivision, it's not farmable and you can't get your machine in there and you can't water. If your owner-occupied, then you have to take care of it. If you are building 40 homes if it's 60 or 70 ft. wide, he states that it would have to be carriage houses. They are going to be built cheaply to keep the cost down. Regarding sewage any house that is built on a slab is going to have it pumped up into a second tank and then pumped into the drain field. He states that you need 600ft of drainage 3ft wide and 200 ft. of the pipe. some of these lots, some of the lot sizes are 750 sq. ft. so, in that case, you can put 5.8 houses on an acre. Right now you have 1 house 150 ft. frontage in order to build if we are not going with the cluster. He wants to get cluster housing looked at before its approved.

Brent Hipwell 585 S 3600 W states that he wants to commend staff because he feels they have really been listening. He states that he agrees with Gary regarding the lots sizes. Based on the lot sizes it's going to lower income and it might attract 1<sup>st</sup> home buyers but it might also attract troublemakers that are looking for a small homes. He states that they want to keep their area nice. He noticed they are taking out the area available for use of bonus density for retention and detention basin, but there was nothing on natural floodplains and river overflows. He believes it is something that needs to be looked into and should be added to the retention basin and detention basin. Regarding the roadways being built on section lines he believes it should be up to the County to require developers to build a portion of the roads. He states that somehow we've got to get those on the section lines and protect the section corners. Its valuable to a property owner when there is a dispute because they have to go find them and if they are in somebody's backyard on a 5000-acre lot odds are that the house is built on a section line. He would like to see developer forced to leave access and future infrastructure on those section lines. He states that the County ought to buy the property and make the developer build that road. If they do that they might at least have the main thorough through and they don't

have to go through developments to get to "Mr. Brown's house". He believes that it's a great idea but he doesn't know how it is going to be enforced.

Mr. Ewert states that he is hoping that what he is proposing speaks to the majority of the questions. He states that the code specifies minimum lot sizes 9000 sq. ft., he agrees it's not ideal but when it comes to open space area and maximizing the open space in the face of the existing development rights they have, if we can put the footprints as small as they can be we are going to see more open space preserved. When it comes to the product the developer is going to choose how wide those lots need to be. He points out that the minimum is 60ft and the developer might do wider if it suits their needs. He states that developers that are coming in are concerned about how to provide affordable housing for moderate-income, not low income. 80 percent of the low to moderate income threshold is 40,000 dollars a year for a person that makes this amount they can only qualify for a mortgage of \$1,000 which would amount to less than \$200,000. He states that you are going to be hard-pressed to find that out west even if its 9000 sq. ft. parcel. You can barely build a house for less than \$200,000 at this rate, a reasonably sized home. He states that most of the developers that he has been talking to are going to be building wider lots because they can't fit their product on a 60 ft. lot. There is a possibility that we will see smaller width parcels maybe 60ft wide deeper homes.

He states that drain field concerns are very good concerns. Any kind of minimum lot size in our zone a developer can't go down to minimum lot size unless they have sewer and water provided to the site. If they have water provided to the site, the health department is going to require the 20,000 sq. ft. a certain type of grade for the septic system. That by itself is going to raise the lot sizes to the minimum of 20,000 sq. ft. if you put a well also you have to have a 100ft diameter or 200ft. wide wellhead tension zone on the property. If you don't have public water and sewer you are going to get acre and a half lots regardless of the 9,000 sq. ft. standard. He states that he doesn't believe there will be a lot of Cluster Subdivisions in that area because the standard subdivisions would suit their needs just fine.

Regarding floodplains and bonus densities we have the definition for the acreage unsuitable for development. Net developable acreages are adjusted for acreage unsuitable for development. Base density takes net developable acreage and is a factor of minimum lot size. Hopefully, this eliminates the areas that are non-buildable. Commissioner Borklund asks if that includes non-farmable. Mr. Ewert states that it doesn't the non-farmable is still included for the base density calculation, but in the agriculture zone the farmable ground is the primary ground, it is the priority ground for the open space. You place the homes in the areas that aren't farmable and preserve the area that is farmable. There is something specific written on page 9 line 415 regarding floodplains and waterways. Under sensitive lands it states that Cluster subdivision in or on sensitive lands shall be governed as follows:

- A. *Lands that can be mitigated such as floodplain and wetlands are considered developable for the purpose of calculating net developable acreage, as defined in section 101-1-7.*

Mr. Ewert states that if it is mitigatable we would still include it as a part of the density calculation. One thing to think about is we are no longer awarding density on the graduating scale, it's just 50 percent open space if you are going to get any kind of density awarded on those areas. Regarding section lines and quarter section lines, this is something the Planning staff is going to look for before its brought to the Planning Commission, and it's something that needs to be looked for by the Planning Commission to ensure that the Planning staff has done their jobs.

Line 182 page 4 regarding *Street configurations states that Streets shall have logical and efficient connections, with intersection distances no less than provided in Section 106-2-3 and shall generally follow existing street grid design. Section line streets are mandatory and shall not be waived.*

Mr. Ewert states that if you are building on an area that is on a section line but there is no access to that area. What would be done can be seen in North Ogden the extension of Monroe Blvd, it runs through a farmer's property and that property is preserved for future right of way. The farmer is still farming it, but it is set aside for the city, and there is an agreement between the landowner and the city. He states that they should be able to do the same thing, take dedication when a subdivision plat comes to the right of way area and defer responsibility for improvements for a later time. It doesn't make sense to put a road in that goes nowhere, at the very least get the public right of way.

*Line 184 page 5 when practicable, quarter section lines shall denote the general location of other through streets. If current parcel configuration does not make this practicable, a through street, or stubbed street that will be a future through street shall be located as close to these lines as otherwise possible.*

Mr. Ewert states that it lists some criteria that the Planning Commission can waive, but there is some discretion in waiving but the criteria is pretty limited. You don't have to provide a waiver.

*Line 195 page in allowing a waiver under this subsection the planning commission may require the street to be placed in another location to offer optimal compensation for the lack of connection required herein. No waiver shall be granted for section line roads.*

Mr. Ewert states that what he strongly recommends that they do with that discretion and what staff will also likely recommend on a regular basis is if it is a quarter section line that you can't punch through because there is valuable agriculture property or there are environmental constraints that keep it from being connected somewhere else, make it curve around to make it move in a snake-like fashion until you get around and get an efficient and logical connection through the subdivision. He states that we can't force this to happen and there is some subjectivity in your ability to wave quarter sections and no subjectivity in your ability to waive the section line.

Director Grover states that one thing he wants to make a note of is that in Shadow Valley zoned R-1-10 they have 10,000 sq. ft. of lot area you are looking at 9,000 sq. ft. so it's similar lot sizes. He states that it's a good comparison. Shadow Valley is southeast, Ogden. He states that another point of reference is the Mount Ogden area which is by Weber State and it is zoned R-1-8 and that's 8,000 sq. ft. Mr. Ewert states that his own area is also zoned R-1-8 it is non-conforming lots 6,000 sq. ft. He states that it is a nice area, so it's not impossible to get nice neighborhoods out of the smaller lots.

Commissioner Heslop asks if these same standards are going to be looked at in the PRUD. Mr. Ewert answers that they are but it's going to be different. The County Commission has asked for a recommendation for their consideration in their 3<sup>rd</sup> June meeting. He states that they are essentially repealing the majority of the administrative nature of it and making it legislative so that at the end there will be some negotiation flexibility with the developer and at the end, not everything has to be approved. It's going to be a zone with full legislative discretion. Once they get into that he would expect that they have a number of these standards and if they get to the point where they want a mirroring, he states that it might be good to eliminate PRUD in favor of Clusters or find a way to spread them out so we don't have a lot of zones or codes.

Jaime Russell 889 N 4700 W states that they built their house on the river. They used a large amount of dirt to build the house so that it would fit the code. In 2011 when there was flooding the house did not flood but the hay field and everything else around flooded. The property cluster homes were under water. She states that her nephew just built a house on the river and he also had to bring in a large amount of dirt to fit the code. Why isn't the cluster home required to bring that amount of dirt? Why do single dwelling get picked on and the cluster homes are able to get away with it? What happens when it floods and it floods all those homes, and the liability that falls on the county because they give permission to build that way in the floodplains. She would also like the Planning Commission and staff know that she never got a notification for the West Weber Visioning meeting. She states that she also has concerns about the river walks being put through her land, it

going to make her and her family vulnerable to be robbed. She states that they have had items stolen before. She feels that it not fair to her and her family.

Commissioner Parke asks don't the lots that she is referring to all need to be built up above the flood line. Direct Grover states that that is correct they are all going to have to meet the building code requirements, they won't be exempt. Certain portions of that will be addressed at final subdivision review. Those things are addressed with the Cluster, standard and there are no exemptions. He states that with regards to the West Weber Visioning there were no notices sent out to anyone, they tried to get the information out as best as they could. They give out information when there were the caucuses and post notices on the church bulletins, and send notices with students from the school. There was no actual notice requirement. The next meeting just so that everyone is aware is May 15, 2018, at West Weber Elementary at 6:30 and the next one May 29<sup>th</sup> also at West Weber Elementary. Please spread the word as much as you can. He states that he wants people to come and give their input, but there are not enough funds to mail notices to everyone. He states that they were pleasantly surprised at how many people were there. The comments will be shared at the next meeting.

Member of the public who did not state their name asks is there anything in the ordinance that says the road has to be a certain width. Mr. Ewert states that for the vast majority of the right of way it 60ft. and the asphalt width is between 26 and 32 ft. depending on the type street. He states that currently, the engineering department is looking at those standards to determine if there needs to be some modifications. It depends on the road facility. Commissioner Borklund 60 ft. the road surface, curb gutter. Mr. Ewert adds that it also includes the snow storage and the water drainage.

Member of the audience states that they would have to bring sewer down to the subdivision, the sewer would have to be pumped up to the sewer line. He asks where are the pumping stations going to be. If there is going to be that many homes down there and you run a snow plow down each side of the road, where is the public going to walk? He states that you need at least 100 ft. If you are going to build 230 homes in an area with 1 access it doesn't make sense.

Chair Hancock closes for public comment

Mr. Crockett states that he would like to make a clarification. It is a public hearing, and public comment was heard but there is a legal distinction between public comment and a public hearing.

Chair Hancock asks if there is a motion to close the public hearing. Commissioner Borklund motions to close the public hearing. Commissioner Parke Seconds. Motion carries (5-0)

Chair Hancock asks if there is a motion regarding ZTA-2017-15.

Commissioner Parke motions to approve item ZTA 2017-15 Consideration and action to the modification to the Cluster Subdivision ordinance to amend open space requirements and provide clarification with amendment B. incorporated. Deleting lines 568-644 and to allow for flexibility in language for clarity and technical changes. This recommendation is based on the findings that it complies with the West Central Weber County General Plan. Commissioner Heslop seconds. Motion carries (5-0)

Commissioner Parke states that he would like that public to know that their concerns are being heard. He states that the ordinance that is in place now, doesn't work the way it should, and has created some problems. He states that the goal is to fix it and this is what this is all about. He wants them to know that they appreciate the public comments.

**4.2 Public Hearing: ZTA 2017-09 Consideration and action to the modifications to the definition of "Height of Building" and additional clarification regarding standards and regulations governing the height of a building.**

Mr. Ewert states that he wants to clarify what they are hoping to accomplish with this ordinance and touch on

the points. He states that right now we measure the height of the building from natural grade. In Western Weber County there is a lot of fill that comes in to alleviate some concerns. Occasionally fill comes in because they want a taller home. Right now measuring from natural grade is a challenge on administration because by the time the house is built we don't know where the natural grade is. He states that in order to help facilitate administration better they are proposing that it is measured from finished grade. There is not a right or wrong answer different jurisdictions do it differently. One thing we are hoping to avoid is the Summit County model. It works well for them and they do natural grade, they require the applicant to provide a surveyor certificate of the natural grade, and a certificate for the footing and foundation level and a certificate one for actual building height. It requires a lot of expense. He states that it can't be more than 5 ft. unless your home is within 75 ft. of a public right of way and the right of way is taller. Then you can bring in fill to bring your home up to match the right of way. He states that while they were doing this they saw an opportunity to improve the requirements for submittal. Right now there is not a lot of requirements for what needs to be submitted when you are showing your site grading plan. Where your natural grade was, where your final grade is going to be, and where your elevation at the top of the foundation is at any point of the building. He states that if you get a professional architect they usually provide this information, but the majority of the plans don't come from architects they come from draftsman. He adds that the hope is that this will encourage better submittals and to determine from the front end how much fill is going in. This might help determine what the difference in natural grade and finished grade is at any one of the corners. He states that they want to see grade lines in all the submittals. It will show where the existing grade line, the natural grade line, and the finished grade line. He states that almost everything else that is in there is items that are already in the code or has been added for clarity. Regarding Cell phones towers most of what can be seen in the tower section are already in the code. New items start with the tower disguise; you will see that in some communities the public wants see cellphones towers integrated into the environment. This would mean that if it is meant to be disguised as a tree the average person would not be able to tell its fake standing at 200 ft. away. The disguised towers should architecturally replicate structures that are commonly accessory to onsite agriculture uses in village areas in the Ogden Valley, make it look like something found in a historical mining town. At this Planning Commissions request, the requirement for the disguise may be waived by the appropriate land use authority in cases where the disguise is inconsistent with existing or future-planned land uses onsite or in the area.

Commissioner Willener asks if the cell phone tower that was approved last year would meet this ordinance. Mr. Ewert states that it would, maybe not what resulted, but what was proposes would meet the ordinance. He states that they are still working with them to get it in compliance with the code. Commissioner Heslop states that unless you knew it was a cellphone tower you wouldn't be able to tell. It looks like an unfinished sign, not a bell tower.

Chair Hancock asks if there are any more questions form the Planning Commission. There are none.

Chair Hancock opens for a public hearing. There is no public comment.

Commissioner Borklund motions to close the public hearing. Commissioner Heslop seconds. Motion carries (5-0)

Chair Hancock asks if there is a motion for a recommendation.

Commissioner Heslop moves to recommend that the County Commissioners adopt ZTA 2017-09 Consideration and action to the modifications to the definition of "Height of Building" and additional clarification regarding standards and regulations governing the height of a building. This recommendation is based on the findings that it complies with the general plan.

Commissioner Parke seconds. Motion carries (5-0)

**5. Public Comment for Items not on the Agenda-None**

**6. Remarks from Planning Commissioners-**Commissioner Parke would like to commend the staff for a job well done. Chair Hancock agrees that staffs hard work is appreciated.

**7. Planning Director Report-** Director Grover states that Chair and Hancock and some staff going to the national APA conference. He states that they will also be attending a local conference and some good information will be brought to the Planning Commission.

**8. Remarks from Legal Counsel-**none. He agrees that staff has done a tremendous job.

**9. Adjourn-6:52**

Respectfully submitted

*Marta Borchert*

DRAFT



## 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 final approval of Cameron Cove Cluster subdivision, consisting of 27 lots.
<b>Type of Decision</b>	Administrative
<b>Agenda Date:</b>	Tuesday, May 08, 2018
<b>Applicant:</b>	Jason Hamblin
<b>File Number:</b>	LVC101217

#### Property Information

<b>Approximate Address:</b>	4065 West 2275 South Taylor, 84401
<b>Project Area:</b>	20.38 acres
<b>Zoning:</b>	Agricultural (A-1)
<b>Existing Land Use:</b>	Agriculture
<b>Proposed Land Use:</b>	Residential Subdivision
<b>Parcel ID:</b>	15-078-0149, 15-078-0150, 15-078-0151, 15-078-0152
<b>Township, Range, Section:</b>	T6N, R2W, Section 28

#### Adjacent Land Use

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

#### Staff Information

<b>Report Presenter:</b>	Felix Lleverino fleverino@co.weber.ut.us 801-399-8767
<b>Report Reviewer:</b>	SB

### Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) 1-7 (Definitions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (Agricultural-1 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 (Cluster Subdivision)

### Development History

The Western Weber Planning Commission reviewed and unanimously endorsed the Sketch Plan on July 12, 2017.

Cameron Cove Cluster Subdivision was granted preliminary approval from the Western Weber Planning Commission. During the meeting held on December 12, 2017, Cameron Cove Cluster Subdivision was granted 10% bonus for meeting the purpose and intent of the Cluster Subdivision Ordinance (Title 108, Chapter 3) and an additional bonus density of 12% for providing amenities that are accessible to the general public.

On March 13<sup>th</sup> the Planning Commission heard the proposal for final approval of Cameron Cove Cluster Subdivision which was tabled until the proposal provided a revised Landscape plan and an Open Space Preservation Plan (OSPP). The applicant has completed those revisions (see Exhibits B, C, and D).

### Background

The applicant is requesting final approval for a 27 lot cluster subdivision, located at approximately 4065 west 2275 south, with a 10% bonus density for meeting the purpose and intent of the cluster code and up to an additional 15% for creating two community gardens and a publically accessible trail that is a crucial segment to part of the western weber trail network. Western Weber Cluster Code requires a minimum of 30% of the developable area to be preserved as open space. Cameron Cove Cluster Subdivision will preserve 34.2% of the developable area that is to be owned, managed and maintained by an

HOA. The subdivision will occupy an area that is 20.38 acres and lots within this subdivision will range in area from 15,000 square feet to 20,206 square feet. Access to this subdivision will be created by newly dedicated roads at four locations.

The developer has provided an Open Space Preservation Plan, a Landscape Plan, and an Open Space Preservation Easement, complying with final subdivision requirements of The Uniform Land Use Code of Weber County.

## Analysis

General Plan: The West Central Weber General Plan supports cluster type development as a means to preserve open space (see page 2-12 of the West Central Weber General Plan).

Zoning: The subject property is located in the Agricultural Zone (A-1), the purpose of this zone is stated in the LUC §104-5-1.

*"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."*

Lot area, frontage/width, and yard regulations: Cluster subdivisions are listed as a permitted use with the A-1 Zone. A cluster subdivision requires a minimum lot area of 6,000 sq. ft. for a single family dwelling and a minimum lot width of 60 feet. The minimum yard setbacks for a single family dwelling are 20 feet on the front and rear, and a side yard of 8 feet. The proposed lot sizes within this subdivision will range from 15,000 to 20,206 sq. ft. and lot widths range from 100 to 150 feet.

Culinary, Secondary Water, and Sanitary System: Taylor West Weber Water District has provided a letter stating that water is available for each of these lots. A Project Notification Form has been submitted to the State by Taylor West Weber Water and the State has provided a Feasibility Evaluation. Hooper Irrigation has provided a letter stating that Cameron Cove is located in the service area, and can be serviced with secondary water. Central Weber Sewer Improvement District has provided a statement of feasibility for sewer services for this 27 lot subdivision.

Bonus Density Requirements: The LUC §108-3-4 states that the minimum preserved open space requirement in the A-1 zone is 30 percent. The LUC §108-3-8(2) states that "the county may grant a bonus density of up to 50 percent if the applicant preserves an open space percentage above the 30 percent requirement. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the subdivision's total area preserved as open space."

As part of the preliminary approval, the applicant has been awarded a total of 22 % bonus density, based on the following criteria:

a.) *If a cluster subdivision meets the purpose and intent of the cluster subdivision chapter, up to a ten percent bonus density may be granted.*

*"The purpose of this chapter is to provide flexible development standards to landowners that are committed to developing safe, attractive, conservation-oriented neighborhoods that are thoughtfully designed and arranged in a manner that considers, gives deference to, and ultimately protects natural topography, environmentally sensitive areas, wildlife habitat, and agriculturally productive lands. It is intended to benefit those that create cluster subdivisions by offering an inherent gain in the form of reduced infrastructure costs and the possibility for a substantial increase in residential density in the Western Weber Planning Area. It is equally intended to benefit the residents of Weber County by promoting public welfare through the reduction of long-term infrastructure maintenance costs and the permanent preservation of the county's functional open spaces, picturesque landscapes, and rural character."*

e.) *If a cluster subdivision provides a common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.*

Open Space Preservation Plan: The Open Space Preservation Plan states that each open space parcel will be owned, managed and maintained by the Cameron Cove Cluster Subdivision Home Owner's Association. The use of the open space throughout the development will be residential in nature. The OSPP will not allow structures within open space parcels.

Open Space Parcels A and B contain a detention basin that is already in operation. It will provide stormwater management for Mallard Springs Subdivision, Blue Acres, and Cameron Cove. Open space Parcels A and B will contain irrigated turf grass with a small play area on parcel B that is accessible to residents of the Cameron Cove Cluster Subdivision. Open Space Parcels C and D will have designated areas within to accommodate community gardens that are accessible to the general public. There will be an area dedicated to the County for a thru-trail that is available for use by the general public.

Additional Standards: The Weber County Engineering Department has required that drainage easements be shown on the plat and that the area for all stormwater easements is dedicated. The Engineering Department also requires a geotechnical report to be completed for right-of-way improvements.

During the preliminary approval meeting, the applicant requested an allowance for a two-lot increase in the number of lots allowed within a cluster of lots due to complications that stem from the shape of the parcel, the existing detention basin, and the existing irrigation easement. The Planning Commission approved this request.

Review Agencies: Weber Fire District has approved this project. Weber County Engineering, Surveying, and Planning Departments have conditions that will need to be addressed prior to receiving final approval from the County Commission.

Tax Clearance: The 2017 property taxes have been paid in full. The 2018 property taxes are due in full as of November 30, 2018.

Public Notice: A notice was mailed not less than seven calendar days prior to the preliminary approval meeting to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

## Staff Recommendation

The Weber County Planning Division recommends final approval of the Cameron Cove Cluster Subdivision consisting of 27 lots. This recommendation is conditioned upon meeting all requirements from county reviewing agencies and the following conditions:

1. As part of the final subdivision requirements, the Owner's Dedication shall contain language that grants and conveys easements to the appropriate parties, including showing all stormwater easements leading to the stormwater detention basin.
2. Prior to recording the final plat, the applicant shall establish a Home Owner's Association as described in LUC §108-3-9 and provide the County a copy to review and approve.
3. The developer shall provide a financial guarantee for all improvements that have not been completed prior to going before the County Commission for final approval as described in LUC § 106-4-3.

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 ordinances.
3. A bonus density of 22 % was granted during preliminary approval on December 12, 2017.

## Exhibits

- A. Cameron Cove Cluster Subdivision Plat
- B. Open Space Preservation Plan
- C. Open Space Preservation Easement
- D. Landscape plan





## Open Space Preservation Plan for Cameron Cover Cluster Subdivision

Cameron Cover Cluster consists of 20.38 acres. It is divided into 27 lots with areas of 15,000 square feet or more and open space for private parks and two public community gardens. The subdivision is served by all utilities which include: sanitary sewer, culinary water and secondary water.

Cameron Cover Cluster Subdivision requests a bonus density of 25% for meeting the purpose and intent of the Cluster Subdivision code by providing a publicly accessible trail and two public community gardens.

The open space of Cameron Cove Cluster will allow for the preservation of historic context and open space/small agricultural feel of the land. This action would allow for open space to be preserved and allow for a community use.

Open Space labeled Parcels C & D, in the Cameron Cove Cluster Subdivision (see preservation plan), will be used as future community gardens.

### **Open Space (2 Parcels)**

Open Space Parcels C & D within the Cameron Cove Cluster Subdivision are located at the east side and south/southwest side of the subdivision. Parcels C & D are accessible by road. Open Space Parcels are labeled "community garden" and they shall be open to the general public.

Contingent upon approval from Hooper Irrigation, there will be a 10 foot paved public trail constructed along the west side of the subdivision with a dedicated 14 foot easement. This area for the trail is dedicated to Weber County and will be owned and maintained by Weber County.

Detention Basins within the Cameron Cove Cluster Subdivision will be repaired by the HOA within a set time frame if any damage caused by storm events or any unforeseen even occurs. If ponding occurs from a storm event, any access to a saturated area is prohibited.

**Structures:** No structures will be permitted in the open space used for community gardens (Parcels C & D). Open space/Private Parks will permit tot lots and other items to be considered park related upon approval of the HOA.

**Waste & Maintenance:** Any waste must be regularly removed from the open space, parcels C & D. Waste may be used as fertilizer, provided the waste is tilled, churned, or otherwise integrated into the soil so as not to cause a nuisance to the residential properties.

**Community Garden Parcels:** Parcels C & D, as shown on the Preservation Site Plan, will be developed as public community gardens. The perimeter will be fences with multiple “grow boxes” as well as “regular” gardening plots. There will be a path provided to access “grow boxes” and plots. Irrigation lines will be provided to Parcels C & D (community gardens). The HOA of Cameron Cove Cluster Subdivision will manage/oversee these parcels for proper maintenance.

These parcels (C & D) will be open to the public community for production of vegetables, fruits and other “cultivated” food.

The developer will supply appropriate markers/entryways that will set parcels C & D apart from the other open space in the development.

**Public Access Trail/Path:** A 10’ wide, asphalt, non-motorized public walking trail/path will provide access through the development and to the public community gardens. This trail will be owned and maintained by Weber County. Any damage caused by an event of a storm or any other unforeseen event, will be repaired by Weber County and be prohibited access if trail is not accessible due to damage.

**Preservation:** An approved easement will be recorded on each open space parcel, identifying each as an Open Space along with deed restrictions

**Ownership:** Ownership of all Open Space parcels and their amenities within the Cameron Cove Cluster Subdivision will be owned and maintained by the HOA.

The Open Space Parcels C & D (see preservation site plan) are required at all times to conform to the use restrictions stated above. The Open Space Parcels (see preservation site plan) are required to conform to the codes and regulations currently in force in Weber County.

STATE OF UTAH)

ss:

COUNTY OF WEBER)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ personally appeared before me \_\_\_\_\_ the signer of the within instrument and who duly acknowledged to me that they executed the same.

Notary Public

Residing at:



### DECLARATION OF OPEN SPACE PRESERVATION EASEMENT

This Declaration of OPEN SPACE Preservation Easement Agreement (hereinafter "Agreement") concerning Cameron Cove Cluster Subdivision (see Exhibit A) is made as of the \_\_\_\_ day of March 2018, by and between Doug Hamblin ("Developer"), Cameron Cove Cluster Subdivision the Homeowner's Association ("HOA") and Weber County, an incorporated county within the State of Utah ("County"). Developer, the HOA and the County are collectively referred to as the "Parties".

#### RECITALS

- A. Developer is the owner of certain property located within Weber County, State of Utah, which is more fully identified to the preliminary plat submitted to the County for the Cameron Cove Cluster Subdivision ("hereinafter the Subdivision").
- B. Developer is developing the subdivision into a "cluster" development with part of the Subdivision consisting of separate residential building lots and part of the Subdivision consisting of the property to be used as OPEN SPACE property (hereinafter the "Open Space Preservation Parcel"). The Open Space Preservation Property as shown in Exhibit A attached hereto.
- C. Prior to the approval of the final plat for the Subdivision the Covenants, Conditions and Restrictions (CC&Rs") will be recorded against the Subdivision and the Open Space Preservation Parcel. The CC&Rs shall restrict the use of the Open Space Preservation Parcel consistent with this Agreement. The CC&Rs shall also allow the HOA to among other things, enforce the use restrictions placed on the Open Space Preservation Parcel.
- D. In addition the HOA having authority to enforce use restrictions on the Open Space Preservation Parcel, the County desires to have authority to enforce the use restrictions described herein on the Open Space Preservation Parcel.

**NOW THEREFORE**, in consideration of the mutual promises, covenants and conditions herein contained and in consideration of the execution of this agreement, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Developer, the HOA and the County agree as follows:

1. **Permitted Use of the Open Space Preservation Parcel: Developer, the HOA and the County agree that the Open Space Preservation Parcel shall be restricted to the following uses:**
  - a. **Structures:** No structures will be permitted in the open space used for community gardens (Parcels C & D). Open space/Private Parks will permit tot lots and other items to be considered park related upon approval of the HOA.
  - b. **Waste & Maintenance:** Any waste must be regularly removed from the open space, parcels C & D. Waste may be used as fertilizer, provided the waste is tilled, churned, or otherwise integrated into the soil so as not to cause a nuisance to the residential properties.

- c. **Community Garden Parcels:** Parcels C & D, as shown on the Preservation Site Plan, will be developed as public community gardens. The perimeter will be fences with multiple “grow boxes” as well as “regular” gardening plots. There will be a path provided to access “grow boxes” and plots. Irrigation lines will be provided to Parcels C & D (community gardens). The HOA of Cameron Cove Cluster Subdivision will manage/oversee these parcels for proper maintenance. These parcels (C & D) will be open to the public community for production of vegetables, fruits and other “cultivated” food. The developer will supply appropriate markers/entryways that will set parcels C & D apart from the other open space in the development.
  - d. **Public Access Trail/Path:** A 10’ wide, asphalt, non-motorized public walking trail/path will provide access through the development and to the public community gardens. This trail will be owned and maintained by Weber County. Any damage caused by an event of a storm or any other unforeseen event, will be repaired by Weber County and be prohibited access if trail is not accessible due to damage.
  - e. **Preservation:** An approved easement will be recorded on each open space parcel, identifying each as an Open Space along with deed restrictions
2. **Easement:** Developer dictates, grants and conveys a perpetual easement to the County and the HOA, upon the Open Space Preservation Parcel, said easement to be used only to guarantee that the Open Space Preservation Parcel will remain open and underdeveloped except for the approved uses as set forth above and does not grant the HOA, the County or public at large a right to use the Open Space Preservation Parcel. The parties agree that this Easement is for the express purpose of enhancing the value and protecting the attractiveness of the Subdivision and as such, the use restrictions stated hereto shall run with the Open Space Preservation Parcel. This agreement is binding upon all claiming any right, title or interest in the Subdivision and shall inure to the benefit of developer, the County and the members of the HOA and their successors, assigns heirs or nominees.
  3. **Ownership:** The parties agree that the Open Space Preservation Parcel shall only be owned by the Home Owners Association.
  4. **Miscellaneous:** The parties agree that the Open Space Preservation Parcel is required at all times to conform to the use restrictions stated herein and the Weber County Zoning Ordinances. To the extent that Weber County Zoning Ordinances conflict with this Agreement, the Zoning Ordinance shall govern. In the event an owner of the Open Space Preservation Parcel violates any use restriction for the Open Space Preservation Parcel, the County may enforce said violation to the extent provided by law.
  5. **Attorney’s Fee:** If any legal action or any arbitration or other proceeding is brought or any action taken for the enforcement of this agreement or any related document, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of the Agreement or any related document, the successful or prevailing party or parties shall be entitled to recover reasonable attorney fees and other cost incurred, in addition to any other relief to which they may be entitled.

6. This Agreement may be amended or modified only by a written instrument executed by the County, the HOA and the owners of the Open Space Preservation Parcel.

**IN WITNESS WHEREOF**, the parties have executed the foregoing Agreement as of the day and year first written above.

Dated this \_\_\_ day of March, 2018.

\_\_\_\_\_  
**Doug Hamblin**

State of Utah     )  
                              ) :ss  
County of Weber )

On the \_\_\_ day of March, 2018 personally appeared before me this signer of the within instrument, who duly acknowledged to me he executed the same.

\_\_\_\_\_  
**BY:**  
**ITS:**

State of Utah     )  
                              ) :ss  
County of Weber)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2018, personally appeared before me \_\_\_\_\_ who, being first duly sworn, did say that he is the \_\_\_\_\_ of Weber County, and that the above instrument was signed on behalf of said County.

\_\_\_\_\_  
**Notary Public**





# Cameron Cove Cluster Subdivision Landscape Plan

Plant Table

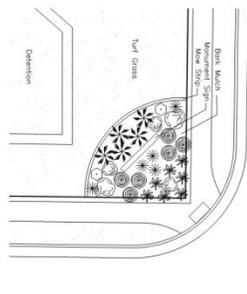
Quantity	Symbol	Scientific Name	Common Name	Planting Size
13	☉	Acer freemanii 'Jefferson'	Autumn Blaze Maple	2" col.
4	☉	Acer platanoides 'Crimson King'	Crimson King Norway Maple	2" col.
12	☉	Quercus tria. 'new. 'Imperial'	Imperial Honeylocust	2" col.
6	☉	Picea pungens	Colorado Blue Spruce	6' B&B
6	☉	Pinus nigra	Austrian Pine	6' B&B
4	☉	Pinus collingiana 'Aristocrat'	Aristocrat Flowering Pear	2" col.
5	☉	Zelkova serrata 'Schindlow'	Wreless Zelkova	2" col.

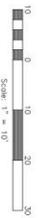
Quantity	Symbol	Scientific Name	Common Name	Planting Size
6	☉	Spiraea japonica 'Magic Carpet'	Magic Carpet Spiraea	5 gal.

Quantity	Symbol	Scientific Name	Common Name	Planting Size
5	☉	Campanula 'Karl Foerster'	Karl Foerster Grass	5 gal.
7	☉	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	1 gal.
2	☉	Irisa sibirica	Conduit	1 gal.
5	☉	Sonia 'May Night'	May Night Saxia	1 gal.



Entry Planting Detail



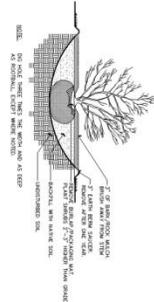
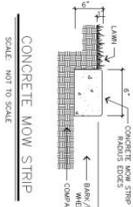
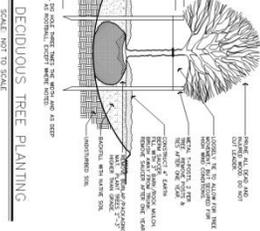
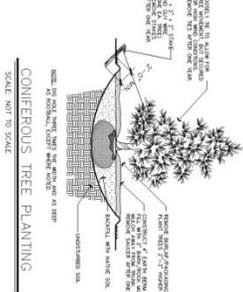
**Decorative Boulders**  
Benches at Tot Lot. Tot lot shall have a play structure, to be specified by owner.

**Turf Grass** - To be seeded.

**NOTE:** Very heights of evergreen trees for a natural look.

**NOTE:** All beds shall have a 3" layer of Shredded Bark Mulch.

**NOTE:** A water-conserving, automatic, underground irrigation system shall be designed by owner's licensed landscape contractor. Shrub/flower beds shall be drip irrigated. Turf grass shall be irrigated by spray heads. Monitor the system to match for over-spray and runoff.



THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC. NO PART SHALL BE REPRODUCED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY DAMAGES OR WORK stoppage DUE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.

Revised: 3-1-18

**Cameron Cove Cluster Subdivision**

WEBER COUNTY, UTAH

**Landscape Details**

REVISIONS

DATE	DESCRIPTION
3/2/18 DR	Remove Street Trees

**Reeve & Associates, Inc.**

5145 SOUTH 1500 WEST, PLEASANT CANYON, UTAH 84062  
 TEL: (801) 671-1200 FAX: (801) 671-1204 WWW.REEVE-RA.COM  
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS  
 TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • GEOTECHNICAL ENGINEERS

**Project Info:**

Client: ANSLEY

Order: B.E.

Design Date: 2017

Project Code: 2442-748

Number: 2442-748

**Sheet**

**L2**

**2**

Sheets

Call: Toll Free  
1-800-662-4111

Blue Stakes Location Center  
1-800-662-4111

Free Working Days Before You Dig

## MEMORANDUM

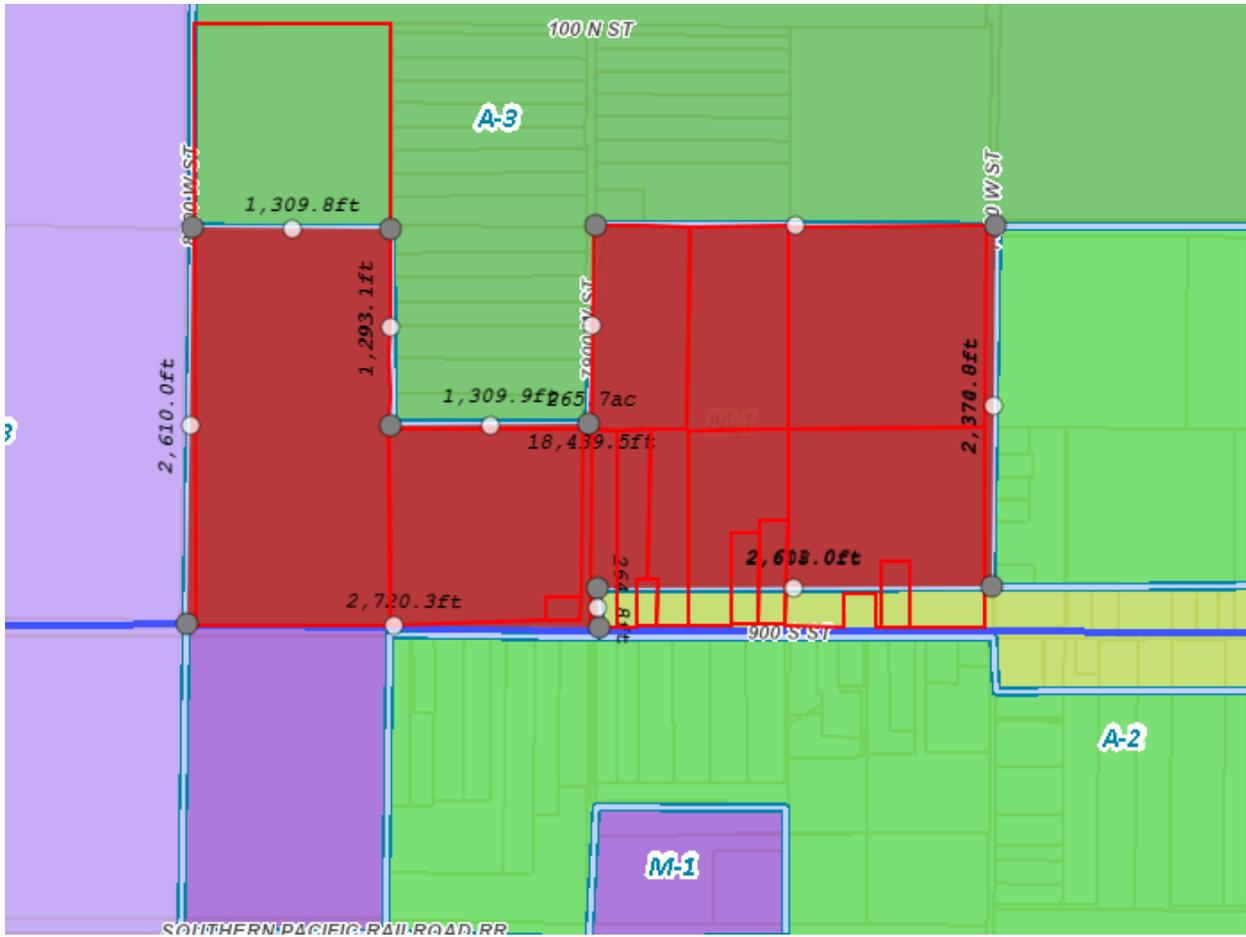
To: Western Weber Planning Commission  
From: Felix Lleverino, Planner II  
Date: May 8, 2018  
Subject: General plan map amendment and re-zone

JP Farm Ranch, Randy Giordano, Barbara Higgs have initiated an application to propose a general plan map amendment and rezone from M-1 to A-2 for several parcels located at approximately 7900 West 900 South, West Warren, Utah.

Property owners associated with this petition have stated that A-2 zoning is a better fit with current and long-term uses of the properties and that the local community is in favor of this proposal.

This proposal is before the Planning Commission as a means to discuss the topic and to collect input from the Planning Commission. No formal action is being requested at this time.





The area in red indicates what will be taken from M-1 and changed to A-2.