

Minutes of the Western Weber Planning Commission meeting of March 12, 2019, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Bren Edwards - Chair
Andrew Favero- Vice Chair
Greg Bell
Jannette Borklund
Jennifer Willener
Blake Hancock

Members Excused: John Parke

Staff Present Rick Grover, Planning Director; Felix Lleverino, Planner II; Matthew Wilson, Legal Counsel; Marta Borchert; Secretary

- Pledge of Allegiance
- Roll Call

1. Approval of January 8, 2019, Meeting Minutes Petitions, Applications, and Public Hearings.

Minutes approved as presented.

Chair Edwards asks if there are any ex parte communication or conflicts of interest. There are none.

2. Administrative items

a. New Business

2.1 Consideration and action on a request for reconsideration of preliminary approval for a final recommendation of the Favero's Legacy Cluster Subdivision Phase 2. Applicant: Robert Favero

Felix Lleverino thanks the Planning Commissioners for their service. He gives a brief overview of the proposal.

Robert Favero 2049 Bluff Ridge Dr. states that originally they bought the parcel of about 8 acres from the LDS church. It was meant to be a part of a larger development in that area. They have decided to move forward with this portion for now. In dealing with this there is a small strip that was retained by the church. It was such a small strip they decided to incorporate it into the second phase. He notes that they are in the process of trying to acquire it. This allowed them 2 more lots and gives them the chance to increase the size of the open space C. and straighten out the road. Mr. Wilson had some comments on the CC&R's, other than that they are ready. He asks if they have any questions for him. There are none.

Felix Lleverino states that this development is located in the A-1 zone in Western Weber. A cluster subdivision is permitted in the A-1 zone because it is a cluster subdivision, the developer is able to preserve some open space and reduce the size of the residential lots. The development has been designed to conform to the subdivision and the cluster subdivision standards. Phase 2 will preserve a 1.179-acre open space parcel that will be owned by the lot owner. This is a requirement for the cluster code. 25 percent bonus density was granted for meeting the purpose and intent, for the cluster code and for the community garden.

Commissioner Bell asks if the dirt road on will be finished when the other cluster comes in. Mr. Lleverino states that this correct.

Mr. Lleverino states that though this proposal is a permitted use in the A-1 zone it is still required to comply with the applicable subdivision requirements and cluster ordinances. After reviewing the proposal based on preliminary and final requirements for the Planning Commission, staff recommends preliminary approval be granted, and that the proposal is forwarded to the County Commission for final approval with the conditions that is stated in the staff report. Commissioner Bell states that lot 201 is under the old cluster subdivision code. He asks if the open space parcel has to be bought by the owner of lot 201. If this is the case and someone in lots 202 or 201 own it there is going to be a lot of mud through the road. He asks if Mr. Lleverino states that regarding the community garden is it a subset of parcel E owned by the HOA maintained for the community. Regarding the cluster code, the cluster code states "individually owned preservation parcels of less than 10 acres may be owned by an owner within the same cluster subdivision." It doesn't matter which phase it is.

Chair Edwards asks if there are any further questions. There are none.

Chair Edwards open the public comment. There is none.

MOTION: Commissioner Hancock moves to grant preliminary approval and a positive recommendation for final approval of the Favero's Legacy Cluster Subdivision Phase 2. This recommendation for approval is subject to all review agency requirements and based on the following conditions: 1. Prior to going before the County Commission, the County Engineer shall approve the construction drawings and approve of the cost estimate for the remaining subdivision improvements. 2. Prior to recording the plat, the remaining 330' x 81.4' must be annexed in the Central Weber Sewer District. 3. The Covenants, Conditions, and Restrictions (CC&R's) shall be recorded with the final Mylar. 4. A Subdivision Improvement Agreement and Financial Guarantee must be submitted with the final 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. 3. The proposed subdivision has been granted up to a 25% bonus density. Commissioner Willener seconds. Motion carries (6-0).

2.2 Consideration and action on final approval of Uintah View Estates Subdivision, a 9 lot subdivision. Applicant: Jeremy Jaggi

Director Grover gives a brief overview of the project. The subdivision is located off of Eastwood drive to the North of the elementary. One of the main concerns with the preliminary approval has to do with the pedestrian access. On the plat, it shows it has been provided between lots 6 and 7. There was a condition added that it be a paved 6-foot walking path, it has been indicated as an easement. The ordinance requires that culinary and secondary water be provided for development. The culinary water has been provided for this development, but the secondary water still needs to be addressed. Staff recommends changing the language to note that secondary water will be provided by the approval agency prior to going to the County Commission. The other two items are the Perc test and the signature block for the Uintah Highlands district. Based on this staff recommends approval subject to the findings outlined in the staff report. Commissioner Borklund asks if the pedestrians access connects to the street or to the Burton's property. Director Grover states that it connects to the end of the subdivision. This is a requirement as development happens. Commissioner Borklund asks if it is already developed as a home, how does future development make this happen? Director Grover states that other large lots in the area would take care of it, the street portion of it the County would assist with it. For the development, it can be required to the end of the subdivision. Commissioner Borklund states that if the developer is the part of the Burton family, it doesn't make much sense to pave 10 or 12 ft. and walk another 20 ft. and not have anything. Director Grover states that it would be good to ask Mr. Jaggi if this is something they are willing to do this.

Jeremy Jaggi 6690 Willow Creek Rd. states that they will make sure that there is a natural flow from the street to the end through the subdivision. Black pavement might not be the best for this area. Mr. Burton does not want anything that does not look and feel good for the community.

Commissioner Willener asks if they need to make it a staff recommendation. Director Grover states that they can indicate that the developer has agreed to do that and include it with condition number 1.

Chair Edwards asks if there are any more questions for Mr. Jaggi. There are none.

MOTION: Commissioner Willener moves to grant preliminary approval to the Uintah View Estate Subdivision a nine-lot subdivision located at approximately 2277 East 5950 South, 84403. This recommendation is subject to all review agency requirements, including those of the Uintah Highlands Improvement District, and the following condition: 1. A paved 6' wide walking path is required from E 5950 South to the proposed cul-de-sac shown on the subdivision plat, with the developer agreeing to work with adjacent property owners to continue the walkway to connect to the street to the east in an aesthetically pleasing manner. 2. Secondary water will be provided by the approval agency prior to going to County Commission. 3. Improvements will either need to be installed or escrowed for, prior to recording the of this subdivision. 4. Perc test holes must be shown on the final plat. A signature block for the Uintah Highlands Improvement District must be included on the final plat. This recommendation is based on the following findings: the proposed subdivision conforms to the South East Planning Area Master Plan. The proposed subdivision complies with applicable county ordinances. Commissioner Borklund seconds. Motion carries (6-0).

3. Legislative Items

3.1 Consideration and action on a proposal to add the solar overlay zone (SOZ) to approximately 370 acres at approximately 1700 South 7500 West. Applicant: Strata Solar; Doug Larsen as Agent

Director Grover states that this item was tabled and the Planning Commission asked two things. One was to come up with a development agreement that addressed the conditions outlined in the staff report. This has been done. Also to get input from UDWR, this has also been done. He recommends that UDWR and the applicant explain their progress.

Matthew Larsen Moab UT, states that since last month there has been some good discussion UDWR. They were trying to get an official letter out but this hasn't happened yet.

Rich Hansen 4786 S 7500 W manager of Ogden Bay states they had a great meeting with Strata they addressed all concerns. They came up with a mitigation plan for them. Regarding the letter, he apologizes, it has been drafted and sent to Salt Lake City, the gentleman who handles these issues is out of town and has been sick. It should be completed by the end of the week. He stated that he was working on it and was going to get it to the governor's office to review it. He notes that they feel really good about their meeting with Strata and their meeting with Matthew. Commissioner Hancock asks what their concern were. Mr. Hansen states it had to do with the impact a 300-acre solar development could have on nesting habitat and wildlife habitat. There are a lot of unknowns with solar developments there are millions of birds that use the Great Salt Lake as a migration corridor. The lake effect is another one of their concerns, this is the possibility of birds landing on the panels if they are lying flat and look like water. He states that Strata has done a great job addressing this. It sounds like the panels will tilt with the sun and there will only be a short limited time that they will be lying flat. He notes that in meeting with Strata it seems they are eager to work with Ogden Bay in improving the habitat on the other side of the fence. This could help mitigate habitat impact on wildlife. He notes that they are currently doing a lot of habitat work at Ogden bay

anyway, but at this point, they are maxed out with the budget. Commissioner Bell states that without the overlay zone there is a potential for some housing development. How would this be any different if it was a housing development? Mr. Hansen states that it likely would not be different.

Director Grover states that regarding condition 7. it does talk about how the preservation will happen. That has been conveyed over to the development agreement. In 6.7 and 6.8 in the agreement, it talks about the mitigating measures. It also talks about working with UDWR and making sure that the plan is being addressed. If there are changes that need to be made they can still do that and work with Planning Staff to accommodate that. It will be an ongoing evolving situation as they find things that need to be addressed they can work with the developer and staff. Planning staff feels confident that based on those conditions. This is spelled out in the development agreement. This goes above and beyond anything with standard subdivisions. Commissioner Borklund asks if the creation of the zoning overlay implement the development agreement or is it done separately. Director Grover states that in order for the actual development agreement to take effect the actual agreement has to go into play. The development agreement controls it all.

Commissioner Favero asks if the fire concern was addressed. Director Grover states that reach out to the fire marshals and they are happy with the layout.

Chair Edwards asks if there are any further questions. There are none.

He notes that there are no members of the public in the audience.

MOTION: Commissioner Bell moves to recommend approval to the County Commission for file #ZMA 2019-01, a solar overlay zone for approximately 370 acres located at approximately 1700 S. 7500 W. This recommendation comes with the following recommended development agreement requirements: 1. A building permit is required for the solar structures. 2. Area for accessory structures anticipated to be needed in the future shall be shown on the site plan and provisions for their permitting shall be established such that it isn't necessary to amend the development agreement. 3. Keys or access codes to any security gate shall be given to local law enforcement, fire, and EMS; or, at the request of one of those authorities, a special lock shall be used that enables access during emergency situations. 4. Chainlink fencing shall be vinyl or powder coated with an earth-toned color that blends well with the natural colors of the site area and eliminates the shine of untreated chainlink. 5. The drive approach to the property lines shall be compacted and asphalted to the satisfaction of the County Engineer. At the owner's option, the approach may be completed after completion of construction of the site or within six months after commencement of construction of the site. A photo survey of the existing edge of asphalt on 7500 West at the site's entrance shall document the current asphalt condition prior to the commencement of construction. Any excess damage to the existing asphalt shall be replaced at the time of asphaltting the drive approach. No final building inspection shall be given until the approach is installed or a cash escrow has been offered to secure its construction. 6. A weed mitigation plan shall be provided to the satisfaction of the Planning Director. 7. The owner and operator shall be required to agree to provide reasonable treatment methods to mitigate the impact on waterfowl and other wildlife in the area. In doing so, all reasonable efforts shall be made to accommodate and mitigate any concerns from the Utah Division of Wildlife Resources (UDWR), if required by the planning director. If not in conflict with the recommendations of UDWR, and if no other mitigation of "lake effect" is offered, recommended, or required, special patterns shall be added to the panels to significantly reduce their appearance as a body of water to waterfowl. Performance measures shall be implemented to determine whether additional mitigation treatments are necessary for the future, as may be recommended by the UDWR or Planning Director. The owner and operator shall be required to allow county staff or UDWR staff to inspect the site at any reasonable time, with or without notice. If accessing without a company representative present, staff shall be accompanied by law enforcement. 8. All power or other utility lines shall be underground. 9. The wetlands impact and any necessary mitigation shall be approved by the Army Corps of Engineers. 10. Construction staging shall be restricted

to the subject parcels. 11. An irrigation plan shall be provided and a will-serve letter or feasibility letter shall be provided from the relevant irrigation/water entity if vegetation is proposed or required for the site. 12. Upon discontinuance of the use, the site shall be returned to its current condition, with all solar infrastructure onsite removed. Financial security shall be provided to ensure this reclamation occurs. 13. Any outstanding review agency requirements shall be appropriately applied in accordance with the law and to that review agency's satisfaction. This recommendation is based on the findings that it conforms to Western Weber General plan and meeting the requirements of the overlay zone. Borklund seconds. Motion carries (6-0)

4. Public Comment for Items not on the Agenda- Commissioner Jenkins states that he is very grateful and appreciative for the Planning Commissioners service. He thanks them on behalf of the County Commission. He notes that they do not receive enough credit.

5. Remarks from Planning Commissioners- Commissioner Borklund states that regarding the Uintah View Estates there was some confusion. The aerial view shows the whole Burton property and it was confusing. It makes it look like it's part of the subdivision when it's not. Director Grover states that what ends up happening is that lot 1 on Jennifer DR. it is part of Uintah View. Lot 1 through 9 is all included in the Uintah View Estates. Commissioner Bell states that the area is not accurate. He asks if the developer has to get permission from the Burton's to put the walkway in. Director Grover states that was the reason he asked the developer to address the Planning Commission with regards to this issue. This helped solidify that and it was put in as a requirement. The path will now go to 5950 S. the connection point will be there. He states that he is grateful to Commissioner Borklund for bringing this up. He notes that it won't require much because he is working with the Burton's. It is noted that the Burton's are very reputable and they will do a good job.

6. Planning Director Report-Director Grover states that they handled the meeting very well and he appreciates their time.

7. Remarks from Legal Counsel-none

8. Adjourn to Work Session

WS1: Ongoing review of the proposed land use table ordinance amendment. –postponed

Adjourn- 5:41 pm

Respectfully Submitted

Marta Borchert