

Minutes for the Western Weber Commission meeting of May 12, 2020, held via Zoom Video Conferencing

Members Present: Bren Edwards
Greg Bell
Andrew Favero
Janette Borklund
Wayne Andreotti
John Parke

Members Excused: Gene Atkinson

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Steve Burton Principal Planner; Tammy Aydelotte, Planner I; Scott Perkes, Planner I; Matt Wilson, Legal Counsel; Marta Borchert, Secretary

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

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

1. Approval of 2020 Planning Commission Rules of Order Petitions, Applications, and Public Hearings.

Commissioner Borklund states that she noticed the minutes in the rules of order twice. Mr. Wilson states that he is not sure why that is, but is happy to make changes to correct that if needed.

MOTION: Commissioner Bell moves to approve the Rules of Order with the proposed changes to remove the repetition regarding meeting minutes. Commissioner Parke Seconds. Motion carries (6-0)

2. Administrative Items

2.1 LVB112219: Consideration and action on a request for preliminary approval of Bridger Butler Subdivision consisting of four lots located at approximately 4700 W 2843 S, Taylor.

Applicant: Jeff Butler; **Staff Presenter:** Scott Perkes

It is in A-1 zoning and the proposed use is 1 acre residential lots. Access for this subdivision is proposed on a recently approved alternative access easement. It is a 30 ft access easement off of 4700 W. The proposed subdivision does conform to the General Plan. On the access easement, there is a right of way dedication line on the plat that is shown. As part of the staff's recommendation the developer will be required to dedicate as much right of way available for a future road at the time of the final plat except for a sliver of land that is on Utah Power and Light Company land. With the dedication of the right of way, the lot square footage might change slightly. As far as the lot minimums and width, they meet requirements for the zone. Culinary Water is being provided by Taylor West Weber Water, a feasibility letter has been provided. Hooper Irrigation is providing secondary water. Weber-Morgan Health Department has presented a feasibility letter on that as well. Staff recommends approval based on the conditions and findings listed in the staff report.

Jeff and Lisa Butler 2843 S 4700 W, ask if there are any questions.

Commissioner Favero asks what the final road is going to look like. Is there going to be paved or gravel? Mr. Butler states that it will be a paved road.

Commissioner Borklund asks if it will be paved at the level of the whole right of way or what is shown on the plat. Mr. Perkes states that what is shown on the plat is a smaller section of paved road that will be used along the access easement. The full 66 ft right of way shown on the plat that is hashed marking will not be paved, nor will the 66 ft right of way be paved when and if it becomes a public road, it is just the right of way section that would accommodate the County standard right of way.

Commissioner Borklund asks how wide the alternative access easement section. Mr. Perkes states that on the plat it is showing a 12ft wide alternative road section for the alternative road. It is a private access easement. Commissioner Borklund asks if that's wide enough for two way traffic. Mr. Perkes states that it does meet the minimum requirements for an alternate easement. There is also a pull out that is proposed and required by code on all alternative access easements that are greater than 200 feet in length.

Commissioner Andreotti asks if the Fire Marshall has signed off on it or seen it. Mr. Perkes states that they are reviewing it and their approval is required for final approval. He notes that the Fire Department has provided conditional approval at this point. Commissioner Andreotti states that regarding the turn around on the 12 ft road, it doesn't seem very wide. Mr. Perkes states that they are required to have turned around circle out of a hardened surface.

MOTION: Commissioner Parke moves to recommend preliminary approval of the Bridger Butler Subdivision consisting of four lots, located at approximately 2843 S 4700 W, in Taylor, UT. This recommendation is subject to all review agency requirements, and the following conditions: 1. Prior to scheduling for final approval, resolution to the three existing boundary line discrepancies identified in the submitted title report will be required. 2. Prior to scheduling for final approval, final improvement plans will need to be reviewed and approved by the County Engineer. 3. At the time the final plat is recorded, the owner will also be required to record the following covenants: a. Declaration of Deed Covenant Concerning Provision of Irrigation Water b. Onsite Wastewater Disposal Systems Deed Covenant and Restriction 4. The conditions of approval, as identified as part of the Alternative Access file (AAE 2020-01), shall be met prior to, or concurrently with the recording of a final subdivision plat. 5. Prior to scheduling for final approval, an approval letter from UDOT will be required approving access off of 4700 West St. This letter will also need to indicate a waiver of sidewalk installation along the 4700 West St. frontage. 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 with the added condition that the identification for the easement and current gravity flow irrigation system that goes to the east end and down between the south side between the power company and the road be presented. And that it meets all the ordinance requirements of the zone. Commissioner Borklund seconds. (6-0)

2.2 LVT031120: Consideration and action on a request for preliminary approval of The Taylor Landing Subdivision (Formerly known as The Meadows Subdivision) consisting of 156 lots located at approximately 4000 W 2200 S, Ogden. **Applicant: Jessica Prestwich; Staff Presenter: Scott Perkes**

Scott Perkes states that the sketch plan for this subdivision was approved under the name of Sunset Meadows. However, following sketch plan approval the name of Sunset Meadows was identified as the name of another subdivision. For this reason, Taylor Landing was chosen as the new name and the file name has changed as well LVT031120. This came before the Planning Commission on the 11th of February. Overall the proposal is for 109.62 acres in the A-1 Zone. The proposal is for 156 lots. As part of this cluster subdivision, based on the size and conformance of the cluster code the applicant is requesting a 50 percent bonus density. Open space account for 58.29 percent of the net developable area. The subdivision as a whole will be developed in 5 phases. The lots range from 9,000 to 19,322 square feet in area, all of which exceed the zoning minimum width of 60 ft. Various access points are being created by this cluster subdivision off of the existing right of ways and a few stubs into the adjacent property as required by the code. There are also two internal connections to the 2100 S street that is already existing. The proposed subdivision will have a 66 ft right of way throughout.

Jessica Prestwich with Sierra Homes, states that there are 156 lot and they choose that size to make it affordable for people in the area. She notes that a minimum HOA was added to take care of the walking paths and common area. She states that they plan to lease the open space to the Favero's and they will plant alfalfa.

Commissioner Borklund asks if there is a reason why the open space drawing has jagged lines. Is it to meet area requirements for each one? Ms. Prestwich explains that if it is straight it won't meet the requirements. Commissioner Borklund asks if they will be connected and farmable together. Ms. Prestwich states that they will be.

Commissioner Borklund asks Staff to go over the bonus density requirements. Mr. Perkes states that there are 3 requirements, the first has to do with the amount of open space that is preserved, and the applicant is willing to preserve 58.29%. The second is to add street trees at the frontage of the right of ways and every 50 ft as practical. The third is to comply with Title 108 Chapter 16 Ogden Valley Outdoor Lighting Ordinance.

Chair Edwards asks if it is in the cluster code that the prime agricultural land is preserved as open space and that less prime land should be utilized as the developable area. Mr. Perkes states that there is language that alluded to this. The cluster code does state that prime agricultural land is defined by section 101-1-7 of the Land Use Code. The definition does indicate that *"the area of a lot or parcel best suited for large scale crop production part of that definition. This area has soil types that have or are capable of having highest nutrient content and best irrigation capabilities over other soil types on the property and are of sufficient size and configuration to offer marketable opportunities for crop production. Unless specified by the Land Use Code, actual crop production need not exist onsite for a property to be considered to contain prime agricultural land"*. Mr. Perkes states that the soil analysis showed quite a few different soil types scattered throughout the subdivision boundary some of which were rated at a higher production quality than others but that each of those areas is capable of producing crops.

Chair Edwards states that the soil analysis states that 70 percent of the area they want to use as open space is not prime farmland. It is his understanding that the best land has to be preserved as open space. He notes that he believes that if the developer was to switch the layout they would still be able to get the 50% bonus density. When it was brought before the Planning Commission for the sketch plan approval he had the same concern, that the prime ground would be used as open space. Mr. Perkes states that one thing that Staff focused on when looking at the definition of prime agriculture land was whether or not the soil was capable of having the best nutrient content and the best irrigation capabilities in the area. The soils report indicated that some areas are labeled as prime and others are labeled as high quality. Chair Edwards states that based on figure 3, part of phase 1 of the open space falls into the prime land and the rest does not. He states that based on the soil analysis he does not feel that the developer is meeting the definitions of the cluster code.

Commissioner Parke states the most farmable land ought to be preserved as open space. He states that it is tough to be a farmer in this day and age and they want to make sure the prime land goes to the farmers so that it is economically viable to be successful. Especially if they need to invest money to get the land up to standard.

Commissioner Bell states that this was his biggest concern, looking at figure 3 it is clear this is not prime farmland. He states that he believes that the developer should consider putting the homes on the not prime farm ground and allow the prime farm ground to be utilized.

Charlie Ewert states that he would like to go over what is considered prime ground, concerning the extra language that Mr. Perkes was mentioning it states that the land could be made into prime agricultural farmland. It is possible to place the homes on an area that has been farmed, but they can take another area and turn it into prime farm ground.

Commissioner Bell states that he would hate to see someone invest thousands of dollars to convert nonprime farmland when there is already good land available. It would take a lot of investment and a lot of work and who knows what will happen, after that.

Mr. Ewert states that if they do allow the open space to be in the pink area it is important to make sure the developer has an escrow agreement and make sure they have the money to convert the land. He notes that the farmer would not be responsible to make the land farmable, the responsibility would fall solely on the shoulders of the developer as a development improvement.

Mr. Perkes states that looking at 5.2 section 108-3-5(C) (3) of the soil analysis which states *"The results of the soil analysis suggest that soils within the open space have the potential to support agricultural opportunities."* This was section was part of the inspiration for the language provided. The land is capable of having the qualities of prime agricultural land. With regards to 4150 S having been stubbed there is one thing to be considered from a connectivity perspective. It can be left as a dead end, but as shown in the proposed plan they want to connect and continue that connectivity. It does run through the land which is marked as prime.

Chair Edwards states that regarding the 4150 street it is not on a quarter section line, it is not going to be a thorough fair. Looking back at the Butler Subdivision it was not a concern there. He asks regarding Mr. Ewert's point, how you put a dollar amount to put into an escrow to say what amount is going to bring the land up to standards to be farmable. What happens if they get to that point and the land can't be made farmable and it's already been developed?

Commissioner Andreotti states that he agrees with all that has been stated but in the long run who's to say that ground will be farmland 20 years in the future. He states that it might be better the way it is laid out for now, in the end, there might be no agriculture on that piece of ground. The other question to ask is, is it better to have some open space and give them a bonus or to have 109 one-acre lots there. He notes that in the long run, he does not see agriculture in that area. Part of Planning is looking towards the future. Regardless of where the open space is right now, at the end that might be where all the affordable housing gets laid out. Commissioner Borklund notes that if it preserved as open space it would not have the option of ever being developed. Commissioner Andreotti states that that is assuming it gets taken care of forever. He notes that people 30 years ago assumed that Marriott Slaterville would remain farmland. Looking at this piece of ground when no one is around to farm it or take care of it the only option is going to be to change the zoning so it doesn't look like it does today with 14 ft weeds. He states that he is mixed up on this issue but Planning is about looking toward the future, and it is important to be careful. The only person that is going to save farming in that area is a farmer that makes a profit. In the long run, it might not make a difference.

Chair Edwards states that he appreciates Commissioner Andreotti and notes that he feels it comes down to code and if they want to look at it that way there might be a need to change the code.

Commissioner Bell states that he doesn't disagree with Commissioner Andreotti, and notes that he doesn't see much difference in switching the layout, either way, they are going to into problems in the future. He feels it should be tabled until they can redraw the plans to preserve the prime agricultural land.

Ms. Prestwich states that Brian Nicholson who did the soil analysis is present. He would like to speak to the report.

Brian Nicholson states that he would like to make one point of clarification. On the bottom of page 8 on Table 3 *Soil Analysis report* and goes into page 9. He states state the other figure that illustrates the different soil series that came directly from the NRCS is publicly available data and speaks about soil characteristics in a general fashion. Looking at their database it can be very exhaustive. It talks about what land is good for various things. The Kidman soil series was the most prime with the least caveats associated with it. If you look at the actual soil data, the results for the analysis for the soil samples that were sent regarding the Kidman soil series the recommendation is to apply sulfur or gypsum to reduce the harmful effects of high sodium. Presented in the report is general NRCS data presented with the actual information that came out of the soil analysis. There are different types of data being dealt with regard to the soil.

Ms. Prestwich states that regarding chapter 108-3-5 the Cluster Subdivision Code not only does it talk about the prime agricultural land it also talks about the open space and keeping it contiguous being placed in the best area for long term agricultural opportunities. Moving the open space would make it less contiguous. She states that in speaking to Tom Favero who will be farming the land they agreed that this was the best layout for farming it and it is doable on that space.

Commissioner Favero states that looking at figure 3 and looking at figure 4. There are some differences in the tables. He asks if class 1 is the best and class 4, not the best. How does the table go? Mr. Nicholson state that class 1 is the best and it goes all the way to class 8 which is the worst.

Chair Edwards states that to the point of being contiguous, they could still make it contiguous and still make it on to the prime agricultural land indicated in figure 3.

Commissioner Bell states that looking at the surrounding subdivisions placing the open space on the prime agricultural land indicated in figure 3. would make all the agricultural land contiguous.

Chair Edwards opens the public comment.

Mr. Perkes states that he received two emails from owners in the area.

Trevor Gold 1870 S 4200 W, which states that his concern is that the proposed plan will eliminate his way of irrigating his property. He has been using the water the right of way for years. He notes that he believes it is an established right of way. He asks how this can be accommodated for. Can the developer include supplying a pressurized water line for the area? He asks that his comment be presented at the Planning Commission meeting for the public record.

Karen Kendall 1870 S 4200 W, states that she and her husband live in one of the Boyd Russell Subdivision first amendment (3974 W 2100 S) The proposal presented 3 years ago was bad, but at least they had some breathing room. The last one proposed a walking trail in the back of their lot and open space to the East of their lot. If this proposal goes through, they will have 5-6 homes surrounding 2 sides of their property in the new phase alone. That is a total loss of privacy. She notes that she imagines that these are two-story homes because the frontage is narrow. Even a tall fence can't provide much privacy with a two-story home. Trees are a good idea, but it will take a long time to get them tall enough to provide any help.

Jed Eskelson 1886 S 4150 W, states that he is lot 14 of the Belmont Parke Estates. His property borders the proposed phase 1 of open space and his southern border would be a building lot. He is the last house on the street of the 4150 W. When they brought up the connectivity and the entrance for the last 13 years it's been a dead-end and he doesn't see any reason why it can't continue as such. For phase 1 of the open space, it has been mentioned that area could be developed in the future and there is a road that stubs into the property which indicates that the intention is to develop it sooner than later. He asks if there are any guarantees about how long the open space would remain open space.

Jean and Jr Helier 3961 W 2200 S, states that they have concerns regarding the lot sizes. All the properties on the Southside of 2200 S and some across the road from them are all 1 acre lots. She notes that they moved there recently and liked the idea of the large lots. Phase 5 has a road coming out of it and vehicles driving down that road would be shining their light right into their bedroom window. They ask that the Planning Commission consider this. She states that they would like to have their privacy. Jr. Helier states that if they continue with the proposed design they would ask that they have the road turn 90 degrees so that it turns into the side road and go out to 2200. This would eliminate their problem but he is not sure how viable it would be.

Shae Bitton 2121 S 4075 W, She states that she hopes that this can be redrawn. Regarding the walking path, there was mention of an HOA. She asks if this was the only thing that the HOA was going to maintain. With the walking path, the old Sunset Equestrian has some common area or some sports courts or a pool, has the new developer considered doing this? She states that because they are adding so many houses in the area, the common area would be good. Eric Page mentioned to her that if the area around Trevor Golds and Jed Esklesons were used as open space it would line up with where they are using their agricultural and horse property. She states that this would make a lot of people happy it could all stay agricultural. She asks if there are retention ponds, what is going to be done about the way the water is going to be gathered.

Shaundi Campbell 3975 W 2100 S, states that her property will but up to three lots in phase 5. She states that she some concern that now there will be people there instead of the 1 acre that was in the Sunset Equestrian. The second concern is the other two dead-end roads that go into the open space. Assuming that the developer still owns the open spaces, would that at some point turn into another condense housing subdivision. If the developer made those into cul de sacs there would be some guarantee that it be a drive-through right there. She asks if the developer would be willing to place a privacy fence around the affected existing homes because the current surrounding landowners were not planning on having 3-6 adjacent homes.

Alec Charters 1860 S 4156 W, states that they are on the Westside on phase 1. He states that if they align the open space with the prime farming ground it would serve a lot of purposes. Not only is it the best for farming but it would provide open space to the existing residents. It would provide some buffer for the cluster subdivisions. He asks if there are covenants as building standards for the housing units. What type of homes are going to be placed there?

Tom Favero 1295 N 4700 W, states that the soil analysis is okay. If they start irrigating the prime ground that area is going to flood a lot of people. The best fit for the open space is where it is being proposed. It will be watered from the Westside phase 1 going East all the way across. Phase 1-4 will be developed all at the same time. It will be laser scraped to the East so that no water runs against any of the homes and none of the tailwater will come off. There is not enough of the prime farming ground in that area. It is not in a square field, it can't be flood irrigated and it be can't be taken care of the way it should. He states that the alfalfa that they plan on putting there will be just as productive as it would on the prime ground. He does not see that there is a lot to be gained by

redesigning it. He states that he doesn't feel there is any good ground in Taylor West Weber. He agrees with Commissioner Andreotti one day it is going to be wall to wall houses, it won't matter where the open space. Nobody is going to want to drag the water over there and farm it. There is a lot of liability with the possibility of flood all the basements in all the existing homes. If they do change the layout he is not interested in farming the area. He will not take the chance of flooding the homes. He states that he does not feel anyone else will touch it because of the runoff and the drainage.

Trevor Gold 1870 S 4200 W, He wants to know that if the proposal goes through how are they going to guarantee that he will continue to get his irrigation or his share of water to his property, he states that his neighbors feel the same way.

Chair Edwards closes the public comments

Mr. Perkes states that regarding the question about dedicating the land to be open space if this subdivision is given preliminary approval the developer can plat each phase as a final plat. They would be able to plat phase 1 and attach an easement to ensure that it is preserved as open space indefinitely. Each phase as it is plated has to have the proportionate amount of open space associated with the entire subdivision as a whole. He notes that they have made sure that each phase is equal to if not slightly greater to the area as a whole. As a whole 58.29 percent of the net developable ground is being preserved as open space. As they go through phases the same percentage of open space remains and is preserved indefinitely. Chair Edwards asks if there is a deed restriction placed on the ground so that it stays as open space. Mr. Perkes states that it is a perpetual easement to preserve the open space, the intention is that as long as it is under Unicorporated Weber County jurisdiction that is how it will remain. If it is incorporated into an adjacent municipality that may change. Mr. Wilson states that Mr. Perkes is correct, even if it remains under Unincorporated Weber County, Weber County could potentially release the easement as well.

Mr. Perkes states that regarding the HOA question this is something this is reviewed after preliminary approval. Some of the common area's and pathways that go through phase 1 and 3 and phase 5 there is also a detention basin that is labeled as common area those will be managed and maintained by an HOA. The HOA will need to be established and the main documents will be reviewed by the County before final approval. Those governing documents may have architectural requirements. The County does have requirements for single-family detached homes that have standards that need to be met before any additional requirements that the HOA may establish.

Ms. Perkes states that as far as headlights in bedrooms go they try to avoid those types of issues but the streets line up in all sorts of directions and where they see that and adjustment can be made they try to accommodate. It is not always something that can be mitigated.

Mr. Perkes states that regarding the smaller lot sizes that are butting against the large acre lots this is because of the Cluster Code and the way the subdivision has been laid out. All the lot does meet the minimum standards.

Commissioner Favero asks regarding the way the roads line up with roads. Mr. Perkes states that looking at connectivity they try to line up roads on quarter section lines for major regional connectivity. Other roads that may be proposed, are up to the developer to put together the design and as Staff reviews if there is a direct conflict that can be mitigated they will do their best to point that out and see if there is a workaround. With the issue presented by Jean Helier this was not something that was foreseen as a conflict, but Staff is happy to look into it.

Ms. Preswitch states that regarding the comment about the amenities that they did not want to add too much because they want to avoid an HOA. What they have now is very minimal. They want to make it an affordable place to live and HOA's can get pricey. There are two retention ponds in the open space. Chair Edwards asks if they only get half of the density for the retention ponds being in the open space. Mr. Perkes states that in these open space parcels they are proposing the open spaces be individually owned and preserved for agriculture. It states that they may be located on an individually own preservation parcel and counted towards the subdivision's overall open space. It does indicate the acreage of the facility should not be counted as part of the parcel's agricultural use and the acreage of the facility should be in addition to a part of the minimum parcel area requirement. The minimum parcel area requirement is another portion of the code. He notes that as it is individually owned it can be placed in the open space parcels. The basin in phase 3 is not required to meet the open space calculations, it is not contiguous with the rest of the open space, it is being held as a common area instead of an open space area.

Ms. Prestwich states that regarding the road being stubbed into the open space and possibly turning those areas into cul de sacs, she states that those stubs were something they were required to add. Mr. Perkes state that the subdivision cluster code requires that they put stubs into the adjacent property as a connectivity component.

Ms. Prestwich states that regarding adding fencing to existing lots, they have not done the landscaping portion of the plan, but this is something that they can look into doing.

Ms. Preswich states that regarding Mr. Trevor Gold's question about the irrigation line, now that they know its there they can have it engineered in.

Ms. Prestwich states that regarding the open space, when they laid out the plan they looked at numerous things and there was a lot of thought that went into that. They spoke to Tom Favero who will be farming the land to get an idea of what would work best for the land in the area and irrigation. As Brian Nicholson pointed out it is important to look at all of the data not just the pictures. They want to go in and do the work and irrigate it right. She adds that they plan on going in and turning that area into a good looking place that everyone can be proud of.

Commissioner Borklund asks if there is any play area for the kids, the side lots are small and all of the open space is being taken up by farming. Ms. Preswitch states that currently they don't have any additional play area because they are trying to keep the HOA fee low, but they are open to suggestions if that is something that they need to change. Chair Edwards asks if they spoke to the park district. Ms. Preswitch states that they did speak to them, the COVID-19 situation hit and they never called back about the funding. She notes that they are open to working with the park district.

Commissioner Favero states that regarding the soil study, he has been a life long agriculture businessman and his family has developed a lot of very poor ground into very productive farmable land in the area. This area was not prime, it is very good now compared to the way it used to be. Looking at the piece on the East side of phase 5 open space is a good indication of what it looked like 50 years ago it was not prime but it can be and has changed over time. He asks if they are looking at the intent or the letter of the code. He states that if professional agriculture people are adding their perspective and they are saying that this is going to be the most manageable way to farm the area, rather than having separated areas through a different layout. They are looking at for irrigation purposes and how to get equipment in and out of the place. This is a very small agricultural area. As Commissioner Andreotti mentioned there will probably not be agriculture in the area in 30 years, and if there is it will be minimal. Looking at the letter of the code there is a need to look at this differently, and if the layout is not effective the way that it is. Looking at the intent of the code it is saying, we want to sustain open spaces in this area as long as possible. In 30 years whether this area is part of a new city, part of Unincorporated Weber County or, part of a different city, that area will eventually be developed. The intent of the code the way it is today, makes the most amount of sense for anybody who is generations into agriculture and they are saying that they can make that piece of land productive and viable. If they feel that they can make it viable, even though the soil content is not the best, it needs to be weighted into the decision. It comes down to the intent of the code versus the letter of the code.

Commissioner Parke asks how they are using Upper Valley code to grant density. Mr. Perkes states that this is one of the three requirements to get bonus density in the Cluster Code. The name of the code is the Ogden Valley outdoor lighting ordinance, He notes that it has been woven into the code as a way to midgate light pollution in a high-density area. They want to see a lot of trees and less light. Director Grover says in Ogden Valley the Ogden Valley Outdoor Lighting Ordinance is a requirement in Western Weber it is not, but this provides that option.

Commissioner Andreotti states that he commends the developer for providing a detailed soil sample. There was also an outline of making the property productive. He states that it appears it will be a multiyear effort. How is it going to work with regards to the funding for making the land productive? He asks if they are prepared to spend three to five years doing this. Ms. Prestwich states that they are prepared to work with Tom and get a budget together and present it in the future. He notes that he feels that if they put the irrigation how it's laid out in the proposal it would work better than moving the open space to the prime ground. It would drain better, would help avoid flooding the neighbors out. It is easier to farm a relatively rectangular parcel, than one that has a lot of angles. He states that he feels that the open space is right where it needs to be.

Commissioner Bell asks that concerning the irrigation line that runs through the southeast corner, is there a plan to eliminate that irrigation easement and reroute that? How are they going to keep the water going to the resident so that they may continue their

water uses? Ms. Prestwich states that it is in the plan to be rerouted already and pipe it better so that there will be less maintenance. Commissioner Bell states that regarding the prime agricultural property, it has been farmed for years. He has not heard any other residents being flooded from that area being farmed. Regarding the proposed open space, he understands that it can be made satisfactory for alfalfa. He asks how productive it will be for other crops if the Faveros decide they no longer want to farm that property. What happens to them when they have to find someone else to farm it? Commissioner Favero states that the hope is that over time the soil builds up. He states that the goal is to build the topsoil. He states that area has been changed over time, and that soil can be built up to the potential of growing row crops. The prime area was farmed by different farmers and different techniques that were used. Going forward it is important to keep an open mind to what will keep the area open space for the longest period of time. Squares and rectangles on the property are best being flood irrigated, this is a technique that is used in the area and this is not going to change. It is also important to keep as much as possible in one spot. It makes the area so small that farmers who farm for a living are not going to want to participate. Mr. Wilson asks if Commissioner Favero has any interest in the property that is being sold, or business that is part of that. Commissioner Favero states that he does not. Commissioner Borklund asks if the Favero family that has an interest in farming, are they related to Commissioner Favero. Commissioner Favero states that they are related to him, but that has nothing to do with his comments, he has no ownership interest in this property. He notes that he is just trying to point out what makes sense from his experience and he is not trying to change anyone's opinion. He just wants to point out some other perspectives. Mr. Wilson states that he just wanted to make sure there was no conflict of interest for the sake of transparency. If there is no interest, or ownership interest there is no conflict. Chair Edwards states that regarding Commissioner Favero's comment about the having rectangle ground to work with, he believes that less work and money would have to be invested in the prime ground. That land could be made into a rectangle and be kept in one piece. It would still be following the intent and the code. He notes that it might not be a huge square but it would still be farmable ground. Commissioner Favero notes that the access would change. It is important to note the variable that changes when that is done. The access from 1800 S is lost, there will need to be a way to get in through the subdivision. Taking equipment into the subdivision brings liability. They need to consider all the perspectives of this not just the quality of the soil. Changing the layout might limit who wants to farm the land. Chair Edwards states that to this point he feels that there are plenty of farmers that would jump at the chance to farm that piece of land, and the access would not change that much. He notes that he appreciates Commissioner Favero's input.

Commissioner Bell states that looking at the proposed open space it has a cut-up section also. He notes that regarding the comment about the access there would still be access off of 3500. There are two homes there and, that is not as much concern for getting the equipment in, and there might be an access off of 1800, and depending on far it goes they might have access off of 2200. He notes that he struggles with the code that allows tiny lots that disrupt the flow. It changes the flow and the property value of the existing surrounding lots. This proposal crams all of those homes next to the 1 acre lots that are already developed. If the agricultural land can be moved to where the prime agricultural land is, it resolves some of the issues.

Chair Edwards states that on the East side of phase 5 it seems that there are a lot of homes to be built on a half road, by what is on the East side of the existing property it does not look like they have any intent to develop. He has concerns with building a half road with that many homes. Mr. Perkes states right now within the subdivision it is a half road width, in the staff report there is a condition stating that the proposed phase 5 of development must dedicate a full-width county right-of-way for all associated streets. This would have to be satisfied before they could move forward for final approval. Ms. Preswitch states that they have contacted that owner, and he is willing to work with them on that. It will be a full road before final approval.

MOTION: Commissioner Bell moves to deny preliminary approval of The Taylor Landing Subdivision (Formerly known as The Meadows Subdivision) consisting of 156 lots located at approximately 4000 W 2200 S, Ogden. Based on the finding that it does not meet the intent of the Cluster Code to utilize the prime agricultural space as open space. Chair Edwards seconds. Chair Edwards votes aye, Commissioner Bell votes aye, Commissioner Parke votes aye, Commissioner Borklund votes aye, Commissioner Favero votes nay, Commissioner Andreotti votes nay. Motion carries (4-2)

3. Public Comment for Items not on the Agenda: none

4. Remarks from Planning Commissioners: Commissioner Andreotti states that he would like to be in the loop for issues that Iris the County's Code Enforcer is working on. He asks if she can come once a quarter and give Planning Commissioners a rundown of how the new ordinance is working. Director Grover states that there are issues that cannot be discussed because they end up going into court. There is some disclosure that can not be given out. He notes that they can however give them an update on the ordinance and how it is working.

5. Planning Director Report: Director Grover states that he received a letter from Commissioner Atkinson. It states that “Director Rick Grover, because of serious health concerns that are steadily getting worse and after weeks of careful consideration, I am resigning from the Western Weber Planning Commission effective May 13, 2020. I want to share my great respect for the staff of the Weber County Planning Division and also for the members of the Planning Commission. It has been an honor to work with you, thank you for your professional concern for the citizens of Weber County and to me personally. Sincerely, Gene Atkinson”. Director Grover state that Staff has gotten a clock for him that will be presented to him when he stops by the office. Commissioner Atkinson wanted to be present at tonight's meeting but unfortunately, some more sad news is that his mother passed away. He wanted to share how much he has appreciated working with everyone. Gene will be missed, and the Planning Commission would like to share their concerns and condolences in the loss of his mother.

Chair Edwards states that his input, and insight will be missed. He asks that if they don't get a chance to see him again, please thank him on behalf of the Planning Commission.

Director Grover states that he has visited with the County Commissioners and wants the Planning Commissioners to know that when looking at replacing Commissioner Atkinson, they asked if there is a need to combine the Planning Commissions. He notes that he mentioned to the County Commissioners that if they choose to do that there would need to be a nine-member board. Right now there is a seven-member board. They are looking at nine members, four members from Western Weber and four from the Ogden Valley, and one from Uintah Highlands. They have asked that focus group be put together. Next week the chair and vice-chair for Ogden Valley and Western Weber will get together with the County Commission to discuss this. He notes that he does not see a benefit to combining the Planning Commission there are so many different dynamics in the communities. The only thing it would help with is the ordinance because there is a lot of back and forth.

6. Remarks from Legal Counsel: none

7. Adjourn to Work Session: 7:23 PM

MOTION: Commissioner Bell moves to adjourn to a Work Session. Commissioner Borklund Seconds. Motion carries (6-0)

WS 1: ZTA2020-04: Discussion regarding a request to amend the Weber County Code to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.

Mr. Ewert states that this item was meant to be on for public hearing, but it was not noticed appropriately. Regarding easements, the primary concerns were what happens when there is high ground that leads to a subdivision and nobody has taken care of or considered land drainage. The utility easements can be required by the County Engineer or the Land Use Authority. The County Engineer will do whatever vetting needs to be done, before it goes to Planning Commission for Final Approval. If it is the Planning Director has authority for certain issues, it will him who makes that call. Mr. Ewert notes that he can write a paragraph specifically concerning high land and low land. Commissioner Andreotti states that there needs to be some protection regarding irrigation water and runoff. Mr. Ewert states when it comes to the Planning Commission if it has been brought up by the County Engineer then it can be required by the Planning Commission. He adds that right now the way it is written both County Engineer and the Land Use Authority have the same authority in making a decision. The County is currently working on a geographic map that will inform people when they live next door to a development that is being proposed. Right now there is no obligation in the code to send out notices. Notices get sent out 7 days in advance that usually gets to the owner within 3 days. Mr. Ewert states that he can write a paragraph specifically involving high land and low land.

Mr. Ewert states that regarding substandard roads, to require a developer to install improvements, there has to be evidence that it is roughly proportionate to the development and the community and linked to the existence of the development. It would need to be part of the code. The Courts have set up some test regarding what is roughly proportionate and essentially linked. If there is no link it can not be required. Regarding the roughly proportionate the court has determined that there is not exaction to determine what rough proportionality is. Several different determinations determine how much of the 1-mile subdivider has to be improved. It has to be directly related to the impact of the subdivision. They would need to determine the amount of usage and add 5 single-family dwellings to the usage to determine the impact of the development of the road. Whatever percentage of road that is the

percentage of road improvement required to pay for. There are different ways and different requirements that can be applied as long as they are linked and they do not cost more than the rough proportionate spending. There are a lot of different variables that go into determining what is roughly proportionate it is always very unique to the specific subdivision.

Mr. Ewert goes over deferral agreements. He notes that it is important that the home buyer be aware that they are entering into the deferral agreement is recorded to the property. One way to deal with this issue is to have taxpayers pay for this. Which is essentially supplementing the cost of development. He notes that he feels the deferral agreement and the special assessment as discussed get them adopted and as they go through the subdivision ordinance get the rest of that written. The Planning Commissioners feel that they don't want to remove the section, but they want to add a condition that the County Commissioners pay close attention to this issue.

WS 2: Discussion regarding rezoning procedures and Legislative amendments.

Mr. Ewert notes that this issue is the same as item WS 4. Mr. Burton states that this is an ordinance that came from the County Commissioners. This ordinance states that if there is a unanimous vote on a legislative decision it would take a unanimous vote from the County Commission to be overturned. Looking at state law the County Commission is the ultimate legislative body. They are not allowed to bridge any authority to any other body when it comes to decision making like this. The primary reason to get rid of this section is to make sure the County is following state law. Mr. Wilson states that there is also a lot of case law that states this cannot be done. The other changes that Staff has been looking at are making the rezoning ordinance sound better. He notes that what is in place now is redundant in some places. He goes over some of the changes that will also be reviewed at the Planning Commission next month.

WS 3: ZTA2020-03 Discussion regarding a proposed accessory dwelling unit ordinance. –postponed.

WS 4: ZTA2020-02 Discussion regarding proposed amendments to rezone procedures Mr. Ewert notes that this issue is the same as item WS 2. Item removed.

WS 5: ZTA2017-17 Discussion regarding the planned residential unit development (PRUD) code-postponed.

Meeting Adjourned-8:40 PM

Respectfully submitted,

-Marta Borchert