

Minutes of the Ogden Valley Planning Commission Meeting for May 25, 2021. To join the meeting, please navigate to the following weblink at <https://us02web.zoom.us/j/83049577848> the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: John Lewis, Chair; Shanna Francis, Vice Chair; Commissioners Jeff Burton, Chris Hogge, John (Jack) Howell, Ron Lackey, Steve Waldrip.

Absent/Excused: Commissioner Jeff Burton.

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Chair Lewis conducted roll call and indicated Commissioner Waldrip has been excused from the meeting.

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

Chair Lewis then reported that item 5 has been tabled and will be heard during the June 8, 2021 meeting.

1. Petitions, Applications, and Public Hearings.

2. UVR071520 - Consideration and action on a request for final approval of The Reserve at Crimson Ridge Phases 2A, 2B, and 2C, consisting of 33 lots. Staff Presenter Felix Lleverino

Planner Lleverino reported the Reserve at Crimson Ridge was presented before the Ogden Valley Planning Commission for sketch plan endorsement on June 2, 2020, in that meeting, the Planning Commission raised some questions regarding the stream corridor, snow storage, and emergency services access.

On September 22, 2020, the preliminary plan for phases 2 and 3 was heard and approved by the Ogden Valley Planning Commission based on the following conditions:

1. The developer shall create a Homeowner's Association according to section 106-2-6 of the land-use code.
 - a. These requirements will be satisfied before going to the County Commission.
2. Before re-locating the access gate on Morningside Lane, the portion of the public road beyond the gate must be vacated.
 - a. This may be done through a legislative process after subdivision approval when the roadway improvements are being constructed.
3. The developer obtains written approval from UDOT to create an access point from State Road 158.
 - a. UDOT has given an access permit for the Harbor View access point.
4. A note added to the plat stating that any development of the subdivision must comply with all recommendations outlined in the geologic hazards report. The note will specify the company that prepared the report and will specify the project numbers.
 - a. The Geologic note has been added to the plat.
5. That the proposal include an extension of a public road to provide access to adjacent property.
 - a. It was decided by Planning and Engineering that a stub to the north is not necessary because lands to the north already have frontage on Highway 162 where which, a new access point can be created with approval from UDOT.

It was recommended by the Planning Staff and County Attorney to table final approval for phase 2A, 2B, and 2C until a subdivision code amendment is adopted that would allow for private streets within subdivisions under special circumstances. Planning staff has placed The Reserve at Crimson Ridge phase 2A, 2B, and 2C on the May 25th, 2021 agenda for final approval conditional on the code amendments being adopted.

The applicant is requesting final approval of The Reserve at Crimson Ridge Phase 2A, 2B, 2C consisting of 33 lots. Phases 2A, 2B, 2C will gain access from an existing residential county road called Morningside Lane.

In compliance with the cluster code, the open space preservation plan was approved during preliminary approval (see Exhibit E). Since the approval date, additional documents, required by County reviewing agencies, have been submitted including:

1. A public trail segment that connects to the Pineview reservoir trail (see Exhibit E).

2. Additional geologic and geotechnical reports.
3. Final dedication plats for all phases.
4. Civil drawings for all subdivision improvements including a utility plan for the new water well, new water lines with water line easements, roadway improvements, and septic system improvements.
5. A cost estimate for improvements.
6. An annexation plat for the sewer improvements district.
7. A septic plan submitted to the County Engineering Department and the Division of Water Quality.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14. The following section is a brief analysis of this project against current land use regulations.

Staff recommends final approval of The Reserve at Crimson Ridge Phases 2A, 2B, and 2C, consisting of 33 lots. This recommendation is based on all review agency comments and the following conditions:

1. That the ordinance amendment is adopted which would allow for private roads in year-round subdivisions.
2. The developer shall create a Homeowner's Association according to section 106-2-6 of the land-use code.
3. The Utah Division of Water Quality shall approve the septic plan.
4. Follow all Utah State requirements for a public water system.
5. All subdivision improvements must be completed or escrowed for at the time of recording.
6. An Open Space Covenant recorded with the final plat.

The following findings are the basis for the staff's recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

Commissioner Burton asked if the culinary and secondary water supply for the project will be facilitated through the exchange and available to the entire community rather than individual lot owners. Mr. Lleverino answered yes. Commissioner Burton asked if the State of Utah will have the authority and responsibility to consider and approve the septic plan for the project. Mr. Lleverino answered yes. Commissioner Burton asked if that is due to the number of lots and size of the project. Mr. Lleverino stated he believes it is actually because the same system will serve the entire development rather than each lot having its own separate septic system.

Commissioner Burton moved to approve application UVR071520, final approval of The Reserve at Crimson Ridge Phases 2A, 2B, and 2C, consisting of 33 lots, based on the findings and subject to the conditions listed in the staff report. Commissioner Hogge seconded the motion. Commissioners Lewis, Francis, Burton, Hogge, Howell, and Lackey all voted aye. (Motion carried 6-0).

3. UVH021621 - Consideration and action on a request for final approval of Vista View Subdivision, consisting of four residential lots. Staff Presenter: Felix Lleverino

Planner Lleverino reported on March 23, 2021, the Vista View subdivision was granted preliminary approval based on the following conditions:

1. The subdivision plan shall meet all Weber County reviewing agency requirements before recording the final Mylar.
2. The owner record a covenant to advise the new lot owner the well permits must be obtained.
3. The owner enters into a deferral agreement for curb, gutter, and sidewalk on 8600 East and 500 South, and a deferral agreement for curb, gutter, sidewalk, and asphalt for the area dedicated on the north side of the development.

The subdivision plat shows the area dedicated for the future right of way easement, see Exhibit A. Before recording the plat, the Planning Division will require that the well covenant, deferral agreement, and that all other county agency requirements are satisfied.

The applicant is requesting final approval of a Vista View Subdivision, consisting of four residential lots that front directly on 8600 East, and 500 South Streets, which are county public right-of-ways. This 21.01-acre lot contains one single-family dwelling within lot 3. The remaining lots are vacant farm ground.

The north edge of the property falls at a mid-point of a 2,539' block and is an ideal location for an intersection from 8600 East Street. County agencies in co-operation with the developer have agreed that placing an easement for a future right of way is the best option at this time. The dedication plat shall depict the 33' future right of way easement and the owner's dedication language will include verbiage preserving the easement area for the right of way.

The County Surveying and Engineering Departments have verified that 8600 E and 500 N streets will require right of way dedication. 8600 East Street will require asphalt widening. Mr. Dean Jensen has submitted a cost estimate for the widening of 8600 East. Once the cost estimate is approved, Mr. Jensen will provide escrow money for the widening of the portion fronting this development.

This proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the AV-3 zone found in LUC §104-6. The following section is a brief analysis of this project against current land use regulations.

Staff recommends final approval of Vista View Subdivision, consisting of four lots. The following conditions are included with the Planning Staff's recommendation:

1. The owner shall create an escrow account plus a 10% contingency fund for all remaining subdivision improvements before final approval from the County Commission.
2. The developer shall enter into an agreement to dedicate land for the future right of way.
3. All final plat requirements shall be satisfied before going before the County Commission for final approval.

The following findings are the basis for the planning staff's recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

Commissioner Hogge asked if it is correct that there are a couple of development rights that are not being utilized by this project, to which Mr. Lleverino answered yes. Commissioner Hogge asked if that means the development rights will be lost or if it will be possible to utilize them in the future. Mr. Lleverino stated that the plat could be amended if there is sufficient acreage for more lots; however, once some improvements are completed, such as digging a well or installing other utility infrastructure, it will be more difficult to amend it.

Commissioner Burton asked if approval of the current application as written will result in 'foreclosure' on the development rights. Planning Director Grover stated that a mechanism is being developed that would allow for transfer of development rights at some point in the future; or, it may be possible to secure approval of a detached accessory dwelling unit (ADU) utilizing one of the development rights. Commissioner Burton asked if there is a right-of-way on the north end of the project for a future road. Mr. Lleverino answered yes; he presented an aerial image of the subject property to identify a 33-foot wide easement for a future right-of-way. It would be necessary for additional frontage to be dedicated to make it possible to build a road that complies with certain width standards; the 33-foot easement is still part of lot four of the project. Commissioner Burton stated that according to present conditions, it is not possible to build a road that extends to the north nor a road that extends to the east, but it is his understanding the 33-foot strip is being protected in case conditions change in the future. Mr. Lleverino stated that is correct. There was a brief high-level discussion of negotiations with the landowner regarding the amount of property that should be covered with the easement to provide for the development of a future roadway, with Legal Counsel Erickson advising that the plat language be amended to identify the right-of-way as a 'public' right-of-way to provide clarity for anyone reviewing the plat. Planner Burton added that staff has recommended the applicant enter into an agreement to dedicate the land for a future right-of-way; that agreement will state that the dedication will be finalized when the County makes a formal request for such. This will make it possible for the County to avoid eminent domain at some point in the future if the determination is made that the road is eventually needed. That agreement will be recorded with the title for the plat and subject property.

Commissioner Howell moved to approve application UVH021621, final approval of Vista View Subdivision, consisting of four residential lots, based on the findings and subject to the conditions listed in the staff report, and with the additional condition that the language on the dedication plat be changed to identify the future right-of-way to 'public' in nature. Commissioner Lackey seconded the motion. Commissioners Lewis, Francis, Burton, Hogge, Howell, and Lackey all voted aye. (Motion carried 6-0).

4. UVE030217: Request for recommendation of final approval of Harmony Farms Cluster Subdivision consisting of 16 lots, 3 open space parcels, public streets throughout the proposed subdivision. Staff Presenter: Tammy Aydelotte

Planner Aydelotte reported this staff report will appear similar to the report presented before the Planning Commission for preliminary approval. The purpose of this report is to explain how the proposal meets, or can meet, the applicable county standards. There are several ordinances that apply to both preliminary and final approval so the report and analysis will have some of the same information as the preliminary report. The developer is requesting final approval of the Harmony Ranch Cluster Subdivision, consisting of 16 lots, 3 open space parcels, and dedication of public streets, located at approximately 3000 East 3350 North, Eden. The proposal meets the requirements of the minimum width (80' in the AV-3 zone) and area (9,000 square feet, minimum, in all zones) requirements for lots in a cluster subdivision (LUC 108-3-7). Culinary water and secondary water will be provided by Nordic Mountain Water. Weber-Morgan Health Department has issued feasibility for on-site septic systems for each lot.

Staff recommends final approval of the Harmony Ranch Cluster Subdivision, consisting of 16 lots, 3 common areas, and an extension of a public street. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Final approval from culinary and, if applicable, secondary water suppliers is required prior to County Commission approval.
2. An open space agreement shall be recorded with the final plat to the title of all open space preservation parcels, that details the open space preservation plan and any related conditions of approval necessary to execute the open space preservation plan (LUC 108-3-5(f)(3)).

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.
3. The proposed subdivision will not be detrimental to 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 Howell stated that the staff report indicates that the previous conditions of approval, highlighted in red in the staff report, will need to be shown on a final plat, with dedication accepted by the County Commission in a public meeting for final approval. He asked if that has been done. Ms. Aydelotte stated that will be done at a future meeting; generally, all preliminary conditions must be met before final approval is recommended, but for this particular application, there were no preliminary conditions that needed to be met in order for the application to come before the body today. However, there are some that must be met before final approval is considered by the County Commission. The Planning Commission can recommend final approval, but the application will not be presented to the County Commission until the conditions have been satisfied.

Commissioner Lackey stated that the staff report includes a recommended condition of approval that final approval from culinary and, if applicable, secondary water supplies is required prior to County Commission approval; he asked Ms. Aydelotte to explain what the term 'if applicable' means in this case. Ms. Aydelotte stated that there are some culinary water companies that do not allow their water to be used for irrigation purposes and before they will grant final approval, they often have requirements that secondary water be secured. In this case, Nordic Mountain Water did not make such a statement in their feasibility letter for the project. However, staff included the language in the recommended conditions of approval in the case that Nordic Mountain, at a later date, requires secondary shares in order for them to grant approval of the project.

Commissioner Burton inquired as to how sewage will be handled in this project. Ms. Aydelotte stated the applicant has received a septic feasibility letter from the Weber/Morgan Health Department; the Health Department has their own application process for subdivisions, and she is unsure of the status of the application for this project with the Health Department. However, staff will require final approval from the Health Department before a recommendation of final approval is forwarded to the County Commission. Commissioner Burton stated that it appears there are many pits identified on the plat and he asked if that means there will be a septic sewer system for each lot. Ms. Aydelotte answered yes. Commissioner Burton asked how sewage will be handled on lots that do not have their own pit. Ms. Aydelotte stated those are test pits and the Health Department may allow more than one lot to use the same soil data depending on proximity. She reiterated the Health Department will perform a thorough review of the application and staff will require a statement of feasibility before the application is forwarded to the County Commission.

Commissioner Howell stated that it seems that most of these items are typically taken care of before an application is considered by the Planning Commission. Ms. Aydelotte state that is not necessarily the case; there are many instances where final approval from utility providers are not available until the application is forwarded to the County Commission.

Commissioner Burton stated that he does not see a condition of approval dealing with the septic system. Ms. Aydelotte stated that would be covered by the language indicating that approval is subject to the application complying with all review agency requirements; however, if the Commission specifically wants to identify a requirement that the Health Department provide final approval of the septic system, staff has no objections.

Commissioner Burton asked if it is correct that when this application was initially presented to the Planning Commission, the applicant had requested private roads. Planning Director Grover stated that is correct; staff communicated to the applicant that they could await final action on a road regulating private and public streets. The applicant indicated that he simply wanted this application to continue to move forward and perhaps the Planning Commission could ask him what his desires are in terms of the roadways. Planner Burton added that while there is the potential for the road to meet requirements to secure approval as a private road, staff and the County Engineer have indicated they would like the roads to be public roads in order to improve connectivity in the area. Commissioner Burton asked if that direction could be provided in the motion regarding the application, to which Mr. Burton answered yes.

Vice Chair Francis moved to forward a positive recommendation to the County Commission for application UVE030217, final approval of Harmony Farms Cluster Subdivision consisting of 16 lots, 3 open space parcels, public streets throughout the proposed subdivision, based on the findings and subject to the conditions listed in the staff report, and with the additional condition that the developer and staff make a determination regarding whether the roads should be public or private. Commissioner Lackey seconded the motion. Commissioners Lewis, Francis, Burton, Hogge, and Howell all voted aye. Commissioner Lackey voted nay. (Motion carried 6-0).

5. UVB050721: Consideration and action on preliminary approval of The Basin Subdivision located at approximately 947 E Old Snow Basin Road, including a request for alternative access approval. Staff Presenter: Steve Burton

This item was tabled and will be heard June 8, 2021.

6. Public Comment for Items not on the Agenda

There were no additional public comments.

7. Remarks from Planning Commissioners

Chair Lewis stated that he has heard reports of a plan to build a heliport in the valley at the intersection of Snow Basin Road and the highway; he believes that will create many negative unintended consequences and it is very concerning to him. He has heard that the reason the heliport is being moved to the mentioned location is that a lease for heliport at the Morgan Airport was terminated. He stated he has heard from others who are concerned, and he would like for interested residents and staffers to look into the matter further. He then stated that he learned Commissioners Hogge and Waldrip will no longer be members of the Planning Commission; he thanked them for their dedication and service to Weber County and the Ogden Valley specifically.

8. Planning Director Report

Planning Director Grover addressed Chair Lewis's comments regarding the heliport; the project is being pursued by a federal agency, the United States Forest Service, which is exempt from complying with County land use ordinances and regulations. He suggested that feedback be provided to the federal agency given that staff does not have the ability to regulate it. Vice Chair Francis added that the Forest Service is only accepting comments through May 29, 2021.

9. Remarks from Legal Counsel

There were no additional comments from Legal Counsel.

**Meeting Adjourned: The meeting adjourned at 5:37 p.m.
Respectfully Submitted,**

Weber County Planning Commission