

Minutes for the Western Weber Commission meeting of May 19, 2021 held via Zoom Video Conferencing

Members Present: **Andrew Favero-Chair**
 Bren Edwards-Vice Chair
 Wayne Andreotti
 Sarah Wichern
 Jed McCormick
 Bruce Nilson

Members Excused: **Greg Bell**

Staff Present: **Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Steve Burton Principal Planner; Liam Keogh, Legal Counsel; Angela Martin, Lead Office Specialist II, Ann Morby, Office Specialist.**

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

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

WS1: Western Weber General Plan Update and Planning Commission Discussion Regarding the Future of the Planning Area.

Charlie Ewert, Mark Vlastic, and John Locke give an update on the progress of the General Plan.

Commissioner Wichern states that she likes the website it flows well. She like how they showed the density possibilities. She adds that her only concern is there should be more at the front to explain the constraints of the project. Making sure that residents know what the goal is. The goal is to be able to accommodate people. There needs to be some planning information to give the people some understanding so that they can know the trade-offs. Mr. Vlastic states that they will meet on Friday to make updates before the website launches.

Mark Vlastic states that he would like feedback from the Planning Commission. He wants to make sure that they capture the goal and vision for the future.

Commissioner Edwards states that he likes the website and he is curious to see the videos. He asks what the plan is to get the website out there for the public. Mr. Vlastic states that there will be an email blast and link forwarded so that it can be forwarded to the constituents. There will be flyers and banners. Mr. Ewert states that he will send the social media post to the Planning Commissioners so that it can be passed on. He hopes it will be spread wide and far. There will be flyers that will be sent out with the children at the schools Canesville, West Weber, and Wasatch. He states that he will make sure that it gets sent out to as many people. If some other lists or groups should receive the information staff will be happy to receive that information.

Jill Hipwell 585 S 3600 W, states that she would like a copy of the website information. She can send it out on all of her Facebook groups. She adds that she is happy to help with sending out the flyers. She has concerns with the Vision meetings. A lot of people were not aware that the visioning meeting and did not know it has to do with the General Plan update. She adds that more people would have attended. There was mention that there might not have been a broad enough base, she asks if with the questionnaire the consensus, is that that is not the vision that they want to go with will more visioning meetings. Mr. Ewert states that this is a possibility but there are some budgetary constraints. He adds that they will leave the comment period open for as long as possible and engage with people for as long as possible. In-person meetings can be pricey but electronic less costly he adds that they want to make sure that everyone's voices are heard. Once everything is refined they will go back to the people. It needs to be for the people that have participated. Ms. Hipwell asks if they can have the recording and the minutes of the Planning Commission meetings uploaded on the website as well. Mr. Ewert states that they can make a link available. Ms. Hipwell asks if any studies need to be done. She states that a lot has changed in the last years from the first visioning meeting. Mr. Ewert states that there is a lot of information out in the industry that is not going to be a lot different for Western Weber. Usage of roads, tax base, and what it pays

for are generally applicable across the Board. He notes that they have a lot of analogs that they can look to and see what the challenges are. He adds that they originally wanted to get a financial analysis and find out what the cost-benefit analysis would be. There was not enough funding for this and it has been scaled back, but there are enough resources to run some of the analysis. Ms. Hipwell asks concerning the parks and trailways. She asks if there is any way to ensure that when they do have a park they will have water. Mr. Ewert states that this is something that the Park District, County Commission, Planning Commission have been working on. The challenge is that the water will have to go to an owner and the owner will have to use it otherwise it will be subject to forfeiture. If something can be worked out with the Parks District to take on the land and whatever water comes with it and use the water, if not the water could be subject to forfeiture. He notes that the goal is that with the new proposal a certain percentage of the subdivision that is not a minor subdivision be required to dedicate park space or a fee in lieu of the parking space that could go toward the Parks District. A big enough subdivision would have to fully install the park. If the land is going to be donated to the Parks District they will want to write the water requirement into the ordinance and have the developer secure water for the park before it gets donated. Ms. Hipwell states that the website looks great.

Mr. Ewert states that the goal of these initial meetings is to verify that the right vision is being captured and to figure out what the vision of Western Weber and Uintah Highlands is going to be. He notes that the Uintah Highlands was not a part of this process and they will be cutting new ground in that area. He asks what the challenges they might need to overcome in terms of street layout and density. He asks what the problems are from a social perspective that land-use planning can accommodate. Should there be a discussion about more moderate-income housing, better transportation, or transit?

Commissioner Edwards states that it is difficult to talk about this subject without looking at the website and getting all of the information. He adds that based on what he has heard he likes the idea and where this is headed. He adds that he would like to see more infrastructure-based zoning. There should be residential zoning in the area. The growth is driving it. Certain areas should be lower than the acre minimum. Going out further out west. He notes that he envisions this having the higher densities and it grows and it goes into acre lots and ranchette style homes that are the 3 to 4 acre lots. One of the things they need to look at is the infrastructure. Further West there is a big constraint from the river and sewer is going to be a big determining factor. On where they can put those types of zones in this plan. Looking at the soil analysis and the cluster subdivisions in areas for prime agriculture land. He asks if the soil types support the agriculture behind it. Is this better suited to be more housing? Could they save the agricultural in another area? Mr. Ewert states that something that they could look into is agricultural land banking and identifying the areas that are best for agriculture that are still currently open and put together a program in which keeping open space on a smaller scale the financial effect could be invested in acquiring agricultural conservation easements in other areas.

Chair Favero states that there needs to be organization and the organization needs to be based on the current infrastructure. It is a hodgepodge and it could be more organized. He states that they need to look at where the higher density makes sense. There has been a lot of talk concerning the industrial area and there is a good possibility that it will grow. The M-1 has been dedicated for decades and they have not seen a lot of growth out there. The roads are a big factor, especially with the West Davis corridor and it comes into Western Weber and how it affects the way that the traffic flows depending on where it will end up being placed. There is a dedicated zone in the plan for it currently. He adds that they need some East to West improvement. 3300 is also scheduled for some updates. He states that East-West is huge especially until there is something North to South. All points lead to I-15. This is a major North-South. Mr. Ewert states that one of the things that they worked hard on in the mapping process was both of the East and West Corridors. This is where the interchanges are currently there should be interchanges along the West Weber Corridor along the same alignments and easy and efficient accesses between the two. He notes that along with this process they identified a general distaste with the current proposed alignment of the West Weber Corridor. There are some benefits to it moving it further West but there are some definite consequences to moving it further West. If the growth and the people aren't there is going to be insufficient demand for UDOT to prioritize it. He adds that they do feel that the M-3 area will grow and it will likely grow very quickly. There have been some improvements to 12th ST from 4700 W, Westward UDOT has not caught up yet in doing the same from 4700 W and Eastward, it is still insufficient to carry hefty traffic back and forth. Going East to West they are looking at a connection on 2550 and Ogden City is working on a new interchange at 24th street that would make 2550 easier to access given the configuration of the railroad tracks. There would be an East to West corridor in 1800. He notes that on their plan they were planning on 2200 but in discussing the 21st st interchange with West Haven they plan to shift it Northward and connect it to 1800. North of

12st it gets more obscure, there is a river. He notes that he is not sure where some of those connections should be but they want to work with Marriott Slaterville to make sure they are comfortable with where the connection is being made. The North to South should be right along the section lines. He notes that there is not a lot going on concerning 3900 W but they can work with landowners if they chose to develop. He adds that there is limited ability on the Southside of the railroad tracks to provide a good deal of connectivity. Concerning the West Weber corridor, the public expressed their desire to have it pushed out to close to 80 something W. He states that they have talked to UDOT and everything is a question of legislative action. It is possible to move it but it is very unlikely, it is not going to have the same users if it is out in that area. It would push the project way out. It would put a heavy burden on 12th street because it would be the only way out to the manufacturing area. The plan could have a goal to consider a different Western alignment. He states that it is important to show the UDOT plan for that alignment. There is currently a state requirement that says that they cannot approve any development within that alignment without allowing UDOT to try to negotiate a purchase price from a landowner. He adds that the last time he spoke to the Planning Commission about this UDOT has not purchased any property this is not the case anymore. They are currently purchasing property along that alignment. They have only purchased 5 it is a willing seller situation and the landowners are aware of the potential alignment they go to UDOT as opposed to UDOT going to them.

Chair Favero states that when that alignment was adopted it was a battle to have been pushed that far West at that time this was 10 years ago because the federal highway administration has a thick rule book. They want to see distances standardized between a major freeway like I-15 and the next corridor, which would have put it where the power tower is East of 3500 W. This was a major effort to get the corridor moved as far out as it is. He notes that there is some potential that they may not be able to go any further West. Mr. Ewert states that there is a high probability that it will move further East given some of the environmental concerns that exist out there.

Commissioner Wichern states that concerning the Uintah Highlands area, it should have been updated and it wasn't and now there are issues. She asks what can be done and what the goal is. Mr. Ewert states that the Uintah Highlands is unique because a lot of it has been built out. He notes they have spent quite a bit of time between the Uintah Highlands and Western Weber showing Mark and his team where the undeveloped lands are and where there is density potential. He notes that they spent a lot of time looking at infrastructure, looking at the lack of connectivity and where things can be connected. He adds that they may not spend a lot of time mapping out where the sidewalks should go. It is more appropriate to identify the need for the sidewalk. A goal for the General Plan for the Uintah Highlands area could be to identify areas with no sidewalks and find opportunities to build those sidewalks. They will have a goal and then they will have a policy relative to that goal and there will be an implementation strategy. It is important to put it in 3 step goal strategy so that it is clear and concise for the different divisions and the people who are reading it that as the funds become available there is the policy direction. Commissioner Wichern states that this is what she was hoping to identify the pedestrian and vehicular connectivity issues were and find solutions for them. There is land to be developed and some of it is not particularly developable. The residents are frustrated all of the County's responsibilities that go with higher density were not implemented and if the County wants to cram houses in an area and there were no adequate streets provided or parks there is going to be an uproar. Mr. Ewert states that one thing that they are looking at for the current General Plan did help with, was that the subdivision that went in by the elementary school and the plan called for a different street alignment that ran right past the Elementary school somebody built a house where the street would have gone. Planning at the time had a lot of political constraints and Planners may not have been as aware of what the plan said and there could have been a through street there, it did not happen and the homes were built. Rather than tearing homes down for a debatable connection. The County allowed a cul-de-sac to go in. The most vulnerable population which is the children walking to school were not considered in the cul-da-sac. What was required and what will be happening is a pedestrian access way to the street that would have been a through the street.

Commissioner Wichern states that she hopes that something can be done to alleviate some of the pressure. Mr. Ewert state that he has suggested a focused conversation with the Planning Commissioners specifically from the Uintah Highlands since the Uintah Highlands has not had the attention that the Western Weber area has had.

Mr. Ewert states that he has had a conversation with the Health Department and they stated that they are over their safe allocations in the area. Sewer has to be something that they focus on. Allowing for density in some of the areas will help pay for some of the infrastructures. Concerning 4700 and 12th st there was a lot of discussion about the commercial in that area he states that some of that area has already been rezoned and there might be some potential for some more commercial in this area. There was a lot of

discussion about trails and parks along the Weber River. This had the least amount of contention thing. There is also a desire for a regional park in the Ogden Bay area.

Administrative items:

1. Petitions, Applications, and Public Hearings: none

2. LVS021320: Request for preliminary approval of Stagecoach Estates Cluster Subdivision consisting of 55 lots located at approximately 1800 South 3800 W, Ogden: Staff Presenter Tammy Aydelotte

Tammy Aydelotte states that this is Sketch plan endorsement was given on December 10, 2019. The applicant is requesting preliminary approval of Stagecoach Estates Cluster subdivision consisting of 55 lots, located at approximately 1800 S 3800 W, Ogden. The proposal meets the requirements of the minimum width (60' in the A-1 zone) and area (9,000 square feet, minimum, in all zones) requirements for lots in a cluster subdivision. Staff recommends that this proposal adheres to all staff conditions and review agency requirements. Based on the findings in the staff report.

Commissioner Edwards asks if there will be a deferral agreement. Ms. Aydelotte states that the County Engineers would require a deferral agreement. The question would be if they would require an escrow upfront or simply a deferral. The engineers may be able to address that. Commissioner Edwards states that he wants to make sure there is some sort of security there. He states that if they are going to request the right of way he wants to make sure that something is locking it in.

Gary Myers the County Engineer, states that they are more comfortable at this point just having a deferral agreement.

Commissioner Nilson asks who owns the open space and what will it be used for. Ms. Aydelotte states that this will be an individually owned open space. She notes that these will be individually owned by the developer. He plans to lease the space for the care of horses. She notes that the question is if there will be anything besides a barn and arena located on this. She notes that there will be pathways that will be required to connect to 1800 S. There might be one that runs across the perimeter of the open space this may be a question for the developer.

Commissioner Wichern states that she sees the 10 ft pathways that connect through, but it says that the proposed cross-sections do not include curb and gutter and sidewalk. She states that it is her understanding that there will not be a walking path along with either of the main streets. Ms. Aydelotte states that they are required in the cluster code if they don't have a sidewalk on either side to have a minimum 10 ft pathway on at least one side on every roadway there. Commissioner Wichern states she does not see it. She sees the one that runs through. Ms. Aydelotte states that they would not necessarily see it in the plat because it is included in the right of way. She notes that when the applicant submits the improvement plans they are required to show the 10 ft pathway. Commissioner Wichern asks what if the neighboring subdivision has a curb gutter and sidewalk. Ms. Aydelotte states that she is not sure but the neighboring subdivision is not a cluster so they likely were required to install a sidewalk at minimum a pathway was required.

Chair Favero states concerning the neighboring subdivision that has been there for over 30 years he does not believe there is any sidewalk or even a path in the older part of the subdivision. He notes that there may now be in the Halcyon Subdivision. He notes that on the easterly part of the subdivision, there is nothing there. It is probably a 66 ft right of way. He notes that he is not sure what the code is or what the deferral is on that subdivision.

Commissioner Edwards asks what the reasoning behind not putting curb and gutter in and going with the pathway. Ms. Aydelotte states that this is a question for the developer. The Cluster code offers some flexibility. She adds that they can require one or the other. The developer might be going for a rural standard. Commissioner Edwards states that it might sit for the bigger lots but his concern is the smaller lots without them having something in front of it it might not be very beneficial. Commissioner Wichern agrees she stated that she would like to see something cleaner. She adds that this does not lend itself to a rural feel. Commissioner Edwards states that they have 62 ft frontage. All of the frontages are on the lots and that does not fit the rural setting.

Pat Burns states that concerning the pathways or the sidewalk he is open to either one. He adds that he agrees with the comments. He has done some subdivisions that have the pathway and they have turned out nice. He adds that they can do a street section with either type of pathway that they want. Concerning the open space, it will be privately owned. He wants to build a barn and an arena. He wants to work with the owners and do horse boarding.

Commissioner Nilson states that he would like to echo the concerns about the sidewalk because of the amount of frontage. He asks if the sidewalk can be made as part of the proposal.

Josh Wiscombe 1685 E 600 S Layton states that he has been working with Mr. Burn as a project manager for the development. They had a curb and gutter designed for the development and they had some discussion with the planner about a 10-foot pathway with asphalt on 3800 and 1700 on the south and east side of the road.

Commissioner Edwards asks the reasoning behind why staff wanted that. Ms. Aydelotte states that staff did not have reasoning one way or the other. The code allows for the developer to choose sidewalks on both sides or pathways. The developer decided to have pathways. She notes that staff's main goal is connectivity. Commissioner Edwards asks if it was developer initiated. Mr. Wiscombe states that they had pathways and they recently switched it. The original plan was paths but the engineers drew in curb and gutter. Commissioner Edwards asks why they wanted the pathway. Mr. Wiscombe states it was to meet the code.

Commissioner Edwards ask if there is any concern with the lots with the small frontage. It looks like the 9 of those lots accessing off of 1800. He asks if there is any concern with the small frontage lots. Gary Myers states that one of the requirements is a traffic study. Commissioner Wichern states that the minimum allowed is 9000 sq ft and a 60 ft width. She states that they are right there at that boundary.

Ryan Mcguire 3912 W 1800 S, states that he just moved into the area under the impression that there was not going to be any development in that area states that he is looking at lots 1, 2, and 3. He believes that he is the lot just left of there. He asks if there will be anything separating those houses from his house.

Tammy Aydelotte states that it is within their prevue to require fencing to protect against adverse effects. In this instance, several lots abut against the rear yards. She states that it is within their prevue to require that. Director Grover might have additional advice concerning this. Director Grover states that it is within their prevue to look at that.

Chair Favero asks if there are any comments.

Commissioner Wichern states that she sees the existing resident's point but the code states that the Planning Commission may require fencing to protect adjacent farmlands from the adverse effects of residential living and vice versa. She states this is residential versus residential. She states that that seems to be the homeowner's responsibility to provide the division if they would like it. Mr. Mcguire states that the surrounding properties are horse properties. Director Grover states that the public comment is closed. He states that concerning whether there is some type of agriculture purpose behind that fencing issue they can add that as one of the conditions but it is not required.

Chair Favero asks if there are any questions or concerns.

Commissioner Edwards states that he believes that Commissioner Wichern was correct the fencing requirement was meant to keep kids out of the agricultural fields. He feels that the fencing issue, in this case, is going to be between the landowners.

Commissioner Wichern asks if fencing is required around the open space since it will be used for horses. Ms. Aydelotte states that Planning has not made this requirement. This can be a condition of approval.

Commissioner McCormick states that if they are going to keep it rural and he is not opposed to the smaller lots and he feels that a fence around the entire perimeter would be advantageous to everybody the landowners and the subdivision.

Commissioner Wichern states that Commissioner Nilson has done developments in the past where there was residential next to residential. She asks if he generally put fences in as a courtesy. She adds that the current homeowners don't have another

homeowner to split the cost of a fence. Commissioner Nilson states that when the existing subdivision is dramatically different than what is being developed historically they have put in fencing to protect the new subdivision from the old subdivision. He adds that it makes sense to add fencing because it is a very residential neighborhood. Some who is going to be living in an 8000 or 9000 sq ft lot

MOTION: Commissioner Edwards approved LVS021320: Request for preliminary approval of Stagecoach Estates Cluster Subdivision consisting of 55 lots located at approximately 1800 South 3800 W, Ogden This recommendation is based on all review agency requirements, including those outlined in this staff report, and based on the following findings: 1. The proposed subdivision conforms to the West Central Weber General Plan. 2. The proposed subdivision complies with applicable county ordinances. Commissioner Nilson seconded the motion. Motion carries (6-0)

3. LVS021320: Request for recommendation of final approval of Stagecoach Estates Cluster Subdivision consisting of 55 lots located at approximately 1800 South 3800 W, Ogden: Staff Presenter Tammy Aydelotte

Tammy Aydelotte states that The developer is requesting final approval of Stagecoach Estates Clustersubdivision consisting of 55 lots, located at approximately 1800 S 3800 W, Ogden. The proposal meets the requirements of the minimum width (60' in the A-1 zone) and area (9,000 square feet, minimum, in all zones) requirements for lots in a cluster subdivision (LUC 108-3-7). Sketch plan endorsement was given on 12/10/2019. Preliminary approval was granted by the Planning Commission on 3/9/2020. For clarity, preliminary approval is being requested again. A request for an application extension was granted on 3/10/2021. Final approval was tabled by the Planning Commission on 5/11/2021 due to a lack of information. Preliminary approval is scheduled for 5/19/2021 with the Planning Commission. A recommendation for final approval is scheduled for 5/19/2021 with the Planning Commission. Staff recommends approval base on the findings and conditions listed in the staff report.

Chair Favero asks if there are any questions for the staff or the applicant. There is none.

MOTION: Commissioner Edwards moves to recommend the final approval of Stagecoach Estates Cluster Subdivision consisting of 55 lots located at approximately 1800 South 3800 W, Ogden. This recommendation is based on all review agency requirements, and the following conditions: 1. Prior to going before the County Commission for final approval, a letter from Taylor West Weber Water, granting final approval, as well as a final approval letter from Hooper Irrigation must be submitted by the developer. 2. Curb gutter and sidewalk must be placed on both sides of the street within the subdivision 3. Fencing shall be installed on any lots that abut the open space and any lots that abut the North, West, or East side of the subdivision. 4. Annexation into Central Weber sewer must be completed prior to going to County Commission for approval. 5. Applicant must have the wetlands discussion with the County Engineer. The recommendation is based on the following findings: 1. The proposed subdivision conforms to the West Central Weber General Plan. 2. The proposed subdivision complies with applicable county ordinances. Commissioner Wichern seconds. Motion carries (6-0)

4. LVW020421 Request for preliminary approval for Winston Park Subdivision, a Planned Residential Unit Development consisting of 54 residential units, and two open space parcels, totaling approximately 40.259 acres: Staff Presenter Tammy Aydelotte

Tammy Aydelotte states that on 1/12/2021 Western Weber Planning Commission recommended approval for the conditional use of a Planned Residential Unit Development. Receiving a recommendation for approval from the Planning Commission is the first step in the PRUD process. On 1/19/2021 Weber County Commission approved CUP 2020-18, approving 42% bonus density, and overall development plan. On 2/4/2021 an Application was submitted for Winston Park PRUD Subdivision. On 3/9/2021 Preliminary approval was granted. On 5/11/2021 Final approval was tabled due to a requirement from the Planning Commission for communication from the Army Corps of Engineers to address a previously submitted wetlands report.

Chair Faveros states that he is still concerned about the drainage issue. Ms. Aydelotte states that the developer is on the line to address these concerns. He has been in discussions with the neighbors to the East regarding that drainage. There may be a ditch along the Southern Boundry. The developer is present to address this and how he plans to take care of that.

Commissioner Edwards states that the reason this item was tabled was the wetlands. He states that legal was supposed to look and see if the County Engineer could sign off on the wetlands based on the study that was provided or if it had to go through the Court. Mr. Keogh states that the County is not required to go to the US Army Corps. if it isn't already a designated wetland because the County isn't required to go to US Army Corps. if Engineering is ok with the third party wetland assessment legal has no issues with it. Gary Myers states when this was first brought up it was based on the wetland inventory which is not an Army Corp document it is

put together by US Fish and Wildlife. It is just an inventory of what could be there. As a result of the initial wetlands assessment that they did. He adds that they asked for more detail the applicant amended the initial wetland study and Engineering was comfortable with that, that they address that issue.

Commissioner Edwards asks why this subdivision had a preconstruction with the County on Monday. He states that he does not understand why a subdivision has not received approvals and has not received review agency approvals. Director Grover states that once preliminary approval is granted they can work with the developers on the improvements and proceed at their own risk. This is up to the developer. These are available options. He notes that they had preliminary at the time and still have preliminary. He notes that the Planning Commission is looking at amending the preliminary approval. Mr. Myers states that in their opinion once they have the preliminary status they are doing things at risk. If anything changes that is the risk that they take. It is a burden to bear by them. Looking at the infrastructure in place. Engineering feels comfortable having a pre-construction meeting. Commissioner Edwards asks if the developer can't get the other required shares from the irrigation company and can't get secondary water and they can't get culinary water. Mr. Myers states that there is a chance that this might happen but this is a risk that the developer bears. There are other subdivisions in the County that have gone that route and there is infrastructure in the ground that was halted and some of it quite old. He states that they make sure that the developer is comfortable understanding the risk. Chair Favero states that he is fine with that as long as the developer understands the risks. Director Grover states that is not within the Planning Commission's purview.

Commissioner Edwards asks concerning the preliminary, the preliminary approval that they received still stands, they do not need to give that up. He asks what is the point of redoing the preliminary if they are not doing away with the wetland comment on the first one. Director Grover states that if the Planning Commission is not willing to amend some of those things, the applicant can not proceed to the final.

Commissioner Andreotti states that it is a procedural issue, and in the end, they will have to have final approval from the County Commissioners. He states that he may not be crazy about it but he is comfortable with it because if all the boxes are not checked it won't be heard by the Commissioners.

Director Grover states that they cannot sell any lots without recording and they cannot record without going through the final.

Dave Rumsey states that concerning the preconstruction meeting it was planned in conjunction with the final subdivision meeting. He states that he found it beneficial to have the preconstruction meeting. He states that it probably was not the best timing. He states that he appreciated Engineering and the other entities such as Hooper Irrigation and Taylor West Weber Water. He states that one of the key facts is getting the regional lift station installed. He states that he was given good counsel by engineering. He states that there are certain things that they need to accomplish for example the Hooper water shares and the annexation. He states that they are getting close and it was valuable to him to have that meeting. He states that he is happy to have another one. He states that concerning the drainage it came up during one of the preliminary meetings. He adds that this was good for two reasons. One was to understand the property. He states that there were some abandoned ditches there and some older piping. He states that he was able to take to some of the neighbors concerning the drainage. He states that they have made some great progress in terms of addressing those issues. They working on being able to take the stormwater into their drainage system. There is another drainage system to the South. That pipeline goes through the Allen Estates and over to the horse stables John Shepard has been really good to work with. He states that they are close to having a resolution there as it was outlined as one of the conditions.

Chair Favero states that they need to have clarification on the procedure and the planning commissions place on that and have a better understanding on that and feel more comfortable going through the process. Director Grover states that the reason why the County Commissioners have allowed the preconstruction drawings to happen is that to go for final they need to have the escrow in place. This allows them to start the improvements and they don't have to escrow that when they go for the final. He notes that they can set a special meeting up with engineering to give some information on how the County Commission allowed this to happen. This has happened throughout the years on many developments.

Chair Favero asks if there are any public comments.

Jason Green 2992 W 1400 S, states that concerning the preconstruction meetings as an excavator these help the developer and excavator know what each entity is expecting. It helps to have these meetings before and he highly recommends it.

Commissioner Edwards states that last time when this was discussed the secondary water not being complete and not having all of the shares before the County Commission was a concern. He states that he feels comfortable moving forward with this and removing the wetland condition, but he does not feel good granting final approval and moving it on to County Commission. He adds that they are missing a step.

Commissioner McCormick states that he agrees with Commissioner Edwards if these issues are not addressed here then it's one more thing for the County Commissioners to take of.

Mr. Keogh states he would be hesitant to have the Planning Commission table the item because of their personal preferences that the applicant has the water in place. If the applicant has met the requirements as outlined by the Planning Commission. The Planning Commission would need a really good reason. He understands the preference to have the water letter in place but this is not an issue that the County Commission couldn't take up. He states that he sees this as more of a personal preference. Commissioner Edwards states that both of the letters state they are for preliminary approval neither of them says for final from both of the water districts. Mr. Keogh states that this is the Planning Commissions call but if they are going to table the item everyone needs to articulate very carefully why and what exactly they are tabling this for. He states that he gets the feeling that there is a personal preference. The way that it was stated it sounds like he does not like it and they need to air on the side of caution. Commissioner Edwards that he would like the applicant to provide the documentation presented that states that they can get final. Dave Ramsey states that one of the things that they have been able to do is to obtain 5 more water shares. He states that they still need a few more according to the letter he adds that they are very close and they are confident that they will be able to secure those and be able to move forward with Hooper Irrigation. He adds that they have had a couple of meetings with Taylor West Weber. He adds that he has been in contact with Ryan Rogers to make sure that they satisfy their requirements. Commissioner asks legal if the planning Commission could grant final approval based on the 2 letters that state they are for preliminary approval. Mr. Keogh states that on a legal basis they decided to grant final approval they could do that. If they want to table it to a later date they would need to state very clearly what in the paperwork is making them table it to a later date. Chajjir Favero asks if it would help satisfy the requirement that is necessary if in the motion they stated the requirements for the water for both culinary and secondary. Commissioner Edwards states that he is fine with staff recommendations but he does not feel comfortable moving it forwards to the County Commission when the letters just state preliminary approval. Mr. Keogh states that to the Chair's point he is correct Planning Commissioners could condition the approval that would satisfy the needs as a Planning Commission. The County Commission would address that issue.

Commissioner Andreotti asks if they grant final approval and the letters are not present it would not be forwarded to the County Commissioner to be voted on until the packet is complete with those letters. He adds that he understands Commissioner Edward's concern but there are a couple of avenues that they can take. He adds that he has a level of comfort for moving it through. He adds that in a perfect world the all of the approvals would be given ahead of time. He states that that is not the way it is and it is not the way it has been and it is not likely the way it will be. He states that he is okay with granting final approval. Staff won't forward it to the County Commission without the complete packet. Chair Favero states that if this is put into the motion the Planning Commission has done their due diligence. It is on the record. It goes along with that condition on final to the Commission and this will be a red flag for them.

MOTION: Commissioner Edward moves to grant preliminary approval LVW020421 Request for preliminary approval for Winston Park Subdivision, a Planned Residential Unit Development consisting of 54 residential units, and two open space parcels, totaling approximately 40.259 acres this recommendation is based on the following conditions 1. A letter from Hooper Irrigation, verifying sufficient shares, is required prior to receiving final approval from the Planning Commission. 2. The subdivision application will be required to comply with all review agency requirements prior to receiving final approval from the Planning Commission. 3. A letter from Taylor West Weber before granting final approval to the Planning Commission. 4. The subdivision application will be required to comply with all review agency requirements prior to final approval from the County Commission Annexation into Central Weber Sewer District will be required prior to receiving final approval from the County Commission. 5. Address how to regulate no basements within this subdivision, if necessary, prior to receiving final approval from the County Commission. 6. The applicant will need to address the drainage issue. The recommendation is based on the following findings: This recommendation is based on the following findings: 1. The proposed PRUD conforms to the West Central Weber County General Plan. 2. The lot area, width, yard, height, and coverage regulations proposed are acceptable as shown on the submitted plat. 3. The proposal will not be detrimental to public health, safety, or welfare. 4. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Andreotti seconds. Motion carries (3-1) Chair Favero voted nay. Commissioner Nilson had to leave. Commissioner Wichern was unable to vote due to connectivity issues.

5. Request for a recommendation of final approval for Winston Park Subdivision, a Planned Residential Unit Development consisting of 54 residential units, and two open space parcels, totaling approximately 40.259 acres: Staff Presenter Tammy Aydelotte

Tammy Aydelotte states that this is a request for a recommendation for final approval with the Winston Park PRUD subdivision. She adds that most of this was reviewed during the preliminary approval request which was granted. There is a list of recommendations for preliminary approval. During preliminary approval one of the conditions was changed to state that a letter from Hooper irrigation and Taylor West Weber for final approval has to be submitted before final approval verifying sufficient shares from the Planning Commission. She states that staff feels that the developer met the County code with their proposal. She adds that the final approval letter is required to be submitted before getting on the County Commission agenda. She points out that the County departments work closely together to make sure that none of the requirements fall through the cracks. These are the review agencies that review and approve subdivisions. The water districts do not approve subdivisions and they work closely with them to incorporate the requirements.

Commissioner Andreotti asks if they are including anything concerning the height of the residence. Ms. Aydelotte states that there was discussion, she adds that there wasn't any settled on going higher. In cluster subdivisions, the allowance for small lots is higher with the height. It is increased to 40. She adds that this could be part of the motion.

Wade Rumsey states that he wants to make that they are consistent with the items that need to be accomplished in terms of a developer working through the plan Planning Commission and the water shares and the culinary water.

Commissioner Edwards states that concerning the consistency he did not feel comfortable with the applicant moving forward with only preliminary approval with the Hooper Irrigation and Taylor West Weber. Mr. Rumsey states that he is asking for consistency for all the subdivisions not just these two presented at this meeting. All developments that come before the Commission. Director Grover states that this is what Legal Counsel was referring to. They do not want to put the County in a situation where there is a question of consistency. Mr. Keogh states that this is a precarious situation to be in. he states that there is a liability issue if someone were to challenge this issue of consistency.

MOTION: Commissioner Andreotti moves to deny the Winston Park PRUD of final approval for Winston Park Subdivision, a Planned Residential Unit Development consisting of 54 residential units, and two open space parcels, totaling approximately 40.259 acres based on the finding that they have not met the condition of having final approval of from Hooper Irrigation and Taylor West Weber. Commissioner Edwards seconds. (3-1) Chair Favero voted nay.

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

7. Remarks from Planning Commissioners: none

8. Planning Director Report: Director Grover states that he is concerned because Planning Commission received counsel from Legal Counsel and he is hoping they will not be put in any legal issues with the motion that was made on the last two items.

9. Remarks from Legal Counsel: none

**Meeting Adjourned at 7:30 pm
Respectfully Submitted,
Angela Martin, Lead Office Specialist
Marta Borchert, Planner Technician
Weber County Planning Commission**