

Minutes for Western Planning Commission meeting of September 21, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm & Via Zoom Video Conferencing

Members present: **Andrew Favero-Chair**
 Bren Edwards-Vice Chair
 Wayne Andreotti
 Sarah Wichern
 Greg Bell
 Chad Call
 Jed McCormick

Staff Present: Rick Grover, Planning director; Tammy Aydelotte, Planner; Felix Lleverino, Planner; Liam Keogh, Legal Counsel; June Nelson, Secretary

- Pledge of Allegiance
- Roll Call

1. Minutes: September 14, 2021, Approved

2. Administrative items

2.1 LVS03252021: Request for recommendation of final approval on Saddlewood Estates Subdivision, a lot-averaged subdivision consisting of 27 lots in the A-1 zone. This proposal includes connection to an existing County road (5100 West St.), and creation of four new County roads. Staff Presenter: **Tammy Aydelotte; Applicant: Jim Flint**

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single family residential development that is currently dominant in the area. Zoning: The subject property is located in the A-1 and A-2 Zones, and is a lot averaged subdivision (LUC 106-2-4). Single family dwellings are a permitted use in both zones. Review Agencies: Weber Fire District has approved this proposed subdivision. Engineering has not yet approved this subdivision, however, they are fine with a recommendation of approval from the Planning Commission. The County Surveyor's Office will review this subdivision, once a proposed final plat has been submitted. Culinary water, secondary water, and sanitary sewage disposal: Taylor West Weber Water has received impact fees, approved of the plans and received the plan review fees, and provided a final will serve letter for this 27-lot subdivision. An unconditional final approval letter is not issued until the improvement plans have either been installed or escrowed for, prior to County Commission approval. Another option is to have the water district sign the printed mylar before it is approved by the county commission. Hooper Irrigation has received all fees, approved of the plans for secondary water lines, and has issued a 'final will serve' letter. The Weber County Surveyor's Office has issued their approval of the annexation plat for Central Weber Sewer.

Tammy Aydelotte, 33 acres. Lot averaged. Utilities will use Taylor West Weber. There has been a final will serve letter. Central Weber Sewer has approved annexation. Wetlands have been identified. The developer's solution is to label that area as unbuildable. There will be setbacks away from the high water mark. Some requirements must be met before moving to the County Commissioners. Engineering will require a no access line for the western boundary for 3 lots to eliminate issue of double frontage. Wetlands area may not be shown on final plat. Commissioner Bell asks if there are any plans or requirements for developer to build a road at 5100. Commissioner Favero states that the Western Corridor will have an impact on road development in the area. Director Grover has been talking to UDOT and they have been acquiring some property for the Corridor. UDOT was not contacted about this project. UDOT is also waiting for environmental studies to move forward with the Western Corridor plans.

Motion: Commissioner Wichern made a motion to approve and Commissioner McCormick seconded the motion: LVS03252021 Final approval of Saddlewood Estates Subdivision, a lot-averaged subdivision, consisting of 27 lots, located at approximately 1900 S 5000 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions: 1. All

improvements shall be installed and/or escrowed for prior to appearing on a County Commission agenda. 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. **Vote 7-0 in favor.**

2.2 LVS042621: Consideration and action on an administrative application, preliminary approval of phases 1 and 2 of Smart Fields Subdivision (29 lots) located at 4300 W 1400 S. **Staff Presenter: Felix Lleverino; Applicant Pat Burns**

The applicant is requesting preliminary approval of Smart Fields Subdivision (30 lots) at approximately 1740 S 4300 West. The applicant is requesting to divide two vacant parcels, which together total 27.5 acres, and create 30 new building lots. The A-1 Zone requires a minimum of 40,000 square feet in area and a lot width of 150 feet per dwelling. Based on the site development standards, the gross developable acreage divided by 40,000 square feet equals 30.8, which is the maximum number of lots allowable before subtracting area in the public right-of-way. The recently adopted subdivision code section (106-2-4), incentivizes the developer to follow the Planning Division recommendations regarding road alignments and connectivity. The incentive to the developer would allow them to retain the gross acreage calculations to determine the number of lots allowed within the subdivision. Up to ten percent of the gross developable acreage is not required to be omitted from the net developable acreage of the subdivision. While the base density is capped at 30 lots, the minimum lots size in the A-1 zone may not be below 20,000 sq. ft. and 75 feet wide. This development will be completed in two phases as delineated by lots numbered in series

Smart Fields is a Connective Incentivized Subdivision. Each lot within the development conforms to the minimum lot size allowable by the zoning code and the connectivity incentivized subdivision code. Together, both parcels total 1,200,059 square feet. 1,200,059 divided by the minimum lot size for the zone (40,000 square feet) equals 30.001 or 30 lots. Central Weber Sewer District has provided a will-serve letter stating that the District has the capacity to serve this 30-lot development. The District will need to approve the connection plans and inspect the connection. Smart Fields will need to be annexed into the district. Commissioner Bell asked with the Connective Incentivized Subdivision, what connective are we looking for? Felix Lleverino said that we are looking for consistency in block length and roads for future development. There is also some property that may be for a future high school in the area. Commissioner Edwards said that the property to the north of lots 106-107 does belong to school board. Commissioner Wichern asks about the remainder parcel to the north. Developer Pat Burns, 1407 N Mountain Road, said that the developer will be trading it to a farmer to farm. It will be taken off the plat map. Planner Steve Burton suggested that the Planning Commission look at the possibility of making the cul-de-sac by lots 215-216 a stub instead of a cul-de-sac. Commissioner Edwards said that he would prefer to leave it as it is. If we do make it as a condition in the final motion, it will at least open the door in the final motion to be investigated by engineering for feasibility and function. Commissioners also asked if curb, gutter and sidewalk will be going in. The developer stated that it would be part of the subdivision.

Motion by Commissioner Wichern and seconded by Commissioner Andreotti: Motion for preliminary approval of **LVS042621:** Smart Fields Subdivision, a proposal to create 30 residential lots. This recommendation is based on the following conditions: 1. Civil Drawings will be created and under review by the Engineering Department and that a stub be investigation by lots 215-216 by engineering and the developer. 2. A final subdivision plat will be under review by all applicable County review agencies. 3. A Geotechnical Report will be completed to aid in designing the subdivision improvements. 4. An annexation plat, bringing land into the Central Weber Sewer Improvement District, is under review by the County Surveyor's Office. 5. Before the proposal can be considered for final approval by the Planning Commission, a capacity assessment letter from the water district shall be provided by the applicant. This 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 the applicable County codes. 3. The subdivision conforms to zoning and subdivision ordinances. **Motion passed 7-0 in favor.**

2.3 LVS080221: Consideration and action on an administrative application, preliminary approval of TC Gailey Fields Subdivision (6 lots) located at 1400 S 2900 W. Staff Presenter: Felix Lleverino; Applicant: Jed Schenck

The applicant is requesting preliminary approval of TC Gailey Subdivision (6 lots) at approximately 1400 South 2900 West. The applicant is requesting to divide a vacant 8.6-acre parcel and create 6 residential building lots. Each lot will front directly on a public road. Lots 1 and 2 front on 2900 West Street, lots 4 through 6 front on 1400 South Street, and lot 3 is designed as a corner lot (see Exhibit A). There is an opportunity to obtain right-of-way dedication for a future public road on the north side of the subdivision. The subdivision code section 106-1-4 (b) (7) states that a subdivision plan will show a connectivity plan showing connection opportunities for further development. While there are no existing or planned roads to connect, there is a 4-acre and a 5- acre landlocked parcel to

the west side of the Hooper irrigation ditch (see Exhibit E). The Western Weber Trails Plan was adopted on May 1, 2017. Depicts a potential multiuse trail following the irrigation canal (see Exhibit E).

The developer will create a private irrigation system using four shares from Wilson Irrigation Company. Specification from Wilson Irrigation and County Agencies must be followed when designing the TC Gailey Subdivision pressurized irrigation system.

The property description for TC Gailey Subdivision extends into 2900 West Street. Section 106-2-2.1 (a) (1) requires that each street in a subdivision shall be dedicated to the county as a public street. To provide for connectivity to adjacent vacant land the Planning Division has created a sketch showing location of a future public ROW and trail easement. Sections (106-1-4 (b) (7)) Street Connectivity Proposal and (106-2-3) Block Lengths support the planning staff's recommendation for a future public ROW. The adopted Western Weber Trails Plan in Exhibit E supports the placement of a public trail along the west side of the development.

Motion by Commissioner Edwards, Second by Commissioner McCormick for preliminary approval of TC Gailey Subdivision, a proposal to create 6 residential lots. This recommendation is based on the following conditions: 1. The developer will obtain a final will-serve letter from Taylor West Weber Water District. 2. Wilson Irrigation and County Agencies design requirements must be followed when designing and installing the TC Gailey Subdivision pressurized irrigation system. 3. The developer submits a Geotechnical Report to provide a specification for roadway improvements. 4. Planning, Engineering and the developer have a discussion on the trail as well as the 66' Future Public Right of Way and the Pathway Easement. This 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 the applicable County codes. 3. The subdivision conforms to zoning and subdivision ordinances. **Motion passed Vote 7-0 all in favor.**

2.4 LVR051321: Consideration and action on final approval of the Riverbend Cluster Subdivision Phase 1 (47 lots) located at 700 S. 3600 W. Staff Presenter: Felix Lleverino; Applicant: Ed Grampp

The applicant is requesting final approval of Riverbend Cluster Subdivision Phase 1 (47 lots) including Open space parcels A, B, C, E, and G. Open space parcels A and G are preserved for continued crop production. Open space parcels B, C, and E are preserved as common areas with turf grass and plantings. Street trees will be placed every 50 feet and all the street lighting and residential home lighting will be dark sky compliant, under LUC 108-3-8.

The open space covenant attached in Exhibit D describes the intended ownership and uses for each open space parcel: Open space parcels A, and G will be owned by a farmer who will own continue to use them for crop production. All other open space parcels that cannot be farmed, due to their size, will be common area owned and maintained by the Home Owner's Association.

Developer Ed Grampp 11992 S Canyon Drive, Draper, Utah. Commissioner Wichern asks who owns or going to own the secondary water from the Weber River. Mr. Grampp states that there will be pumps in the river to pull the water out to the subdivision. In an agreement between the developer and the Farmer, Mr. Ron Gibson, will obtain ownership of 21 shares of Hooper irrigation water. Mr. Gibson will then use his Weber River water rights to serve the irrigation needs where needed. The Secondary Water Model indicated that "Secondary water will be supplied by diverting from an existing irrigation ditch and be stored in a new off-site irrigation pond. Water rights are available or will be purchased for this use. This water will be supplemented by any storm water which falls on the site. The water will be stored in the aforementioned reservoir until used. Pumps will be provided which will deliver water from the new pond through new secondary water piping to each residential lot of this subdivision, as well as common areas for use with landscaping in these lots and common areas. The water from the river for irrigation for the subdivision will either be owned by an HOA or they may form an irrigation company. Mr. Gibson will own all of the water rights for the agriculture space. Commissioners ask if that right at the point of diversion has been approved by the state of Utah yet. Mr. Grampp states that it is still pending. Residential secondary water will be pressurized. Pumps will be in the Weber River. There will be two lines. One will be pressurized and for residential use and the other will not be pressurized and for agriculture use. There are a certain amount of shares divided between the residential and the agriculture users. Commissioner Wichern asked if there would be an easement for the irrigation pipes to go across others property. Mr. Grampp states that there will be utility easements for the rights for the water lines to go across others property. There is a power easement to get power to the pumps as well.

Mr. Grampp said that the Health Department and the County Engineer inspected the ditch for possible contamination. The Health Department indicated that a few older homes adjacent to Riverbend have unknown septic system construction and has stated that it intended to reach out to the homeowners of the older septic systems and discuss possible funding options. The Weber County

Engineering Department has indicated that any storm water concerns will be taken into consideration when engineered drawings are reviewed. The Health Department has indicated that there is funding to help upgrade those older systems. Mr. Grampp has offered the homeowners who are by the ditch by their property the opportunity to hook into their sewer system at the homeowner's expense. There is also animal contamination on this site from cows that have been in the area. That will be removed. Commissioner Wichern asked about the open ditch running through the property. Will it be open? What is the plan for safety for the open ditch? Mike Flood- from the Nielson Land, 67 E 600 S Kaysville, the area by the ditch will be landscaped and area is part open space. People will have the option to fence in lots. There is currently not a lot of water in the ditch. The ditch will be a "feature" as part of the landscaping. Commissioner Wichern said that some of the lots are in the 500 year flood plain. Director Rick Grover said that the homes will have to be built to a certain height. There needs to be a certain flow in the ditch to require fencing. There is a landscape plan that was submitted a few months ago. Director Grover stated that as Felix Lleverino mentioned we wanted to make sure that the trail has conformity with the farmland so they don't cross each other.

Commissioner McCormick wants to make sure that the water rights for the agricultural land stays with the land, not the owner. Director Grover agrees and suggests that could be made as a condition for approval. Water rights can be deeded to the land.

There were commissioners' discussion on bonus density. It appears that the open space requirements have been met. Commissioner Bell wants to make sure that bonus density is calculated properly. He is satisfied that it has been.

Motion made by Commissioner Bell and seconded by Commissioner Edwards. Staff recommends final approval of Riverbend Cluster Subdivision. This recommendation is based on all review agency requirements and upon the following conditions: 1. Final subdivision plat approval from the Weber Count Surveyor 2. Cost Estimate for all subdivision improvements, including landscaping in the common area and street trees. 3. Subdivision improvement agreement 4. Monument improvements agreement 5. Water deeds have been granted appropriately. 6. Point of diversion be finalized before going to county commission. 7. Final plat to show conformity of trail alignment. 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 the applicable County codes. 3. The subdivision conforms to zoning and subdivision ordinances. **Motion passed 7-0 in favor**

4. Public comment for items not on the agenda:

Ryan Ellis 3925 W 2600 N asked about the Nilson development 2700, Plain City, subdivision. It was removed from the agenda and will be on the agenda next month. There will most likely be public notices sent out for October 12. It is a Legislative item that will allow public comment.

Suzanne Herrick 934 S 3500 W West Weber. Would like all open ditches to be covered. She would like this as an ordinance. 1. All slough ditches in Western Weber should be piped at the time of new developments for subdivisions. 2. All sewer lines should go down the middle of the road for the benefit of the community. 3. Slough ditches should not be used as drainage ditches. Weber County Engineering needs to update and get tougher ordinances and drainage systems.

Commissioner Bell thanked Suzanne for her well thought out and presented comments. Commissioner Andreotti said that the issue is not going away. This is a problem that needs to be flushed out. She is right on point. Commissioner Andreotti states that there are many ditches that are used for irrigation and drainage. That needs to be addressed soon. Director Grover suggested that this might be addressed in the General Plan.

Ember Herrick 4931 S 1700 W, In August 10 Planning Commission Meeting a note was posted about Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager before the meeting if you have questions or comments regarding an item. Most cities and counties allow open communication public comment on any item before public meeting. I am disappointed that Weber County does not want to hear from the voters. I have sent letters to county staff and have never received any response back. The problem with not receiving any comment in these meetings is that comments here are part of a public record, other communication are not part of that record. I respectfully request that you reconsider your position and let there be public comments at the beginning of all your meetings legislative or administrative so comments can be recorded as part of that public record. Public comments can be invaluable in doing the people's business. Weber County may be compliant when it comes to the letter of the law, but are you fulfilling the spirit and intent of the law?

Commissioner Wichern states the Director Grover has indicated in the August meeting that the letters will be read at the meetings so they can be part of public record. This way we have time to address the concern before the meeting. Commissioner Bell states that he feels that we need to hear all public comment. It provides indicators of a need for change and flaws in codes. Commissioner

Edwards says that the problem is that we don't get comments when we are making the ordinances. Commissioner Bell said that the public needs to be educated on when to comment.

5. Remarks from Planning Commissioners: Commissioner Edwards thanks the staff for all that they do and to Secretary June Nelson for providing the minutes, planning staff and Liam Keogh, our attorney. Commissioner Call states that because of some changes, he did not get to review reports. Director Grover said that Commissioners can always add conditions, table, or vote for or against items. We still need to move things along, while abiding by the law. Director Grover has a meeting with the Chair and Vice Chair before meetings to go over agenda items. There are some items that never come before the Planning Commission. Developers are breathing down the necks of planners to get things done. Commissioner Wichern says that the only way to make change is the intent of the code through conditions. This is the only way to protect the community. Commissioner Edwards stated that we need to trust that the conditions are enforced through staff and county. If the conditions are not met, they should not be approved. Commissioner Call asks what would happen if staff decided that conditions cannot be met. Director Grover said that if the changes are minor, he could approve them. They can also be revoked. Commissioner McCormick reminds us that we have a right to private ownership.

Commissioner Bell asked about deferrals for curb, gutter and sidewalks. Director Grover says ordinance are in place for large subdivisions that curb, gutter and sidewalks are required and also if you are within a certain distance from a school. There can also be a special improvement district for property owners to install curb, gutter and sidewalks.

Commissioner Bell asked if we could move public comment to the beginning of the meeting. Commissioner Wichern said that if it is at the end, the meeting can be used to be part of the process and to educate the public. Director Grover reminds us that the applicants have paid a fee to get their business done. We need to respect their right to get that business taken care of. Commissioner Favero would like to hear the public information at a time when they can actually act on it. We also need to make sure that what we are hearing is accurate and that we have input from Fire, Engineering and Health on the item. Commissioner Wichern would like the input on Administrative items in writing before the meeting. It is good to hear from the public. Director Grover said that the State has asked us to eliminate public comment on Administrative items. We wanted to find a way to allow some public input, so we have done that by asking for letter or comment before the meetings. Public does have some good input that we need to hear.

6. Planning Director Report: Director Grover states that the County is no longer using Zoom for its meetings. Would the planning Commission like to keep using Zoom for regular monthly meetings? The Commission responded that they are ok with not using Zoom and just having live meetings, except for months when there is a Work meeting scheduled. That will be Zoom for all Commissioners and open for public either in the chamber or on Zoom.

7. Remarks from Legal Counsel: I have worked with many Commissioners and this group seems to get it right. You really care about your job. I would like to commend you for the work that you do.

Adjourn: Motion made to adjourn meeting by Commissioner Edwards and seconded by Commissioner Bell. All in favor 7-0 to adjourn.

Respectfully Submitted,

June Nelson

Lead Office Specialist