

Minutes of the Work Session of the Ogden Valley Planning Commission for August 24, 2021. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/87962565569>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Shanna Francis, Vice Chair; Commissioners Jeff Burton, John (Jack) Howell, Ron Lackey, Trevor Shuman, and Justin Torman.

Absent/Excused: Chair John Lewis

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

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

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

1. Approval of Minutes for June 29, 2021.

Commissioner Lackey moved to approve the minutes of the June 29, 2021 meeting as presented. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

2. Petitions, Applications, and Public Hearings.

2.1 UVA070821: Consideration and action on Final approval of the Asgard Heights Subdivision consisting of 6 lots at approximately 3460 Nordic Valley Road in Liberty. *Staff Presenter: Scott Perkes*

Planner Perkes reported the applicant is requesting final approval of Asgard Heights Subdivision consisting of six residential lots. This subdivision is proposed as a connectivity-incentivized subdivision with lot areas ranging from 2.72 acres to 3.33 acres and dedicated roadway extending Nordic Meadows Drive eastwards to connect with Carrol Street in an alignment requested by county staff. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC. The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals. It also fulfills the transportation vision of enhancing mobility and connectivity, reduces congestion, and meets air quality standards without disturbing existing land uses. The subject property is primarily located in the FV-3 Zone with a small portion of the northern tip in the AV-3 Zone. Single-family dwellings are a permitted use in both the FV-3 and AV-3 Zones. LUC 104-2 and 104-14 require a minimum lot area of 3 acres for a single family dwelling and a minimum lot width of 150 feet. As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC§ 106, and the AV-3 and FV-3 zone standards found in LUC§ 104-2 and 104-14. With exception to Lots 1 and 2, the proposed subdivision utilizes traditional subdivision requirements to create three-acre lots as required in both the FV-3 and AV-3 zones. County staff have agreed to allow Lots 1 and 2, consisting of 2.73 and 2.72 acres, to be substandard to the 3-acre lot minimum in order to incentivize the dedication and connection of Nordic Meadows Drive to Carrol Street. Newly adopted language in the subdivision ordinance (Sec. 106-2-4.30) allows for lots in the FV-3 and AV-3 zones to be reduced up to 50% of the zone's minimum lot size in order to allow desired connectivity to occur. At the request of County Planning staff, the applicant has agreed to dedicate and improve the Nordic Meadows Drive extension at the time of subdivision, thereby allowing the applicant to utilize the Flexible Lot Standards of Sec. 106-2-4.30.

Culinary water and Secondary Water: The applicant has entered into a Water Service Agreement with Nordic Mountain Water Inc. for culinary water services for 6 lots. This letter indicates that each lot may utilize their culinary water for up to 5,000 sq. ft. of landscape watering until such time as secondary water may become available. Nordic Mountain Water has also submitted a Capacity Assessment Letter as required by LUC Sec. 106-4-2.1(c) verifying that their system is capable of providing, and has the capacity to provide, culinary water to the project once completion of the water line extension and connection to the existing service line on the West boundary of the subdivision have been made. Per LUC. Sec. 106-4-2.1(b)(2)c. (Secondary Water Exemption), "A subdivision lot that is completely covered by pre-existing native wild/and vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wild/and vegetation remains undisturbed in perpetuity, and is well-established in a manner

that makes it relatively unlikely for noxious weed propagation." Per this section, the applicant may utilize this secondary water exemption so long as the lot areas outside of the home sites and 5,000 sq. ft. landscaped areas served by Nordic Mountain Water's culinary service remain as native wildland vegetation.

Sanitary Sewage Disposal: Each of the 6 lots in the proposed subdivision will be served by on-site waste water systems (septic). The Weber-Morgan Health Department have issued a Septic Feasibility Letter detailing the feasibility of on-site water disposal systems for each of the 6 lots.

Floodplain: The subject property contains a seasonal stream corridor that traverses from the Northeast towards the Southwest. This corridor requires that base flood elevations (BFEs) be calculated and depicted on a final plat in order to determine safe finished floor elevations for future homes. BFE calculations have been submitted to the Weber County Engineering Department for review and approval by the County Engineering Department (see Exhibit F). The proposed final plat depicts these BFEs along the stream corridor, as required by LUC sec. 106-I-8.20(c), to allow the areas adjacent to be developable for residential structures. This stream corridor is also depicted as a seasonal stream on the Ogden Valley Sensitive Lands Map. Per LUC Sec. 104-28- 2(b)(l)c. (Ogden Valley Sensitive Lands Overlay Zone) the corridor requires a minimum 50-foot setback from high water mark for any future buildings. This setback has been depicted on the final plat. Of note, the 50-foot setbacks from high water marks far exceed the base flood elevations that have been calculated. This ensures that all new structures placed outside of the 50-foot setback are also well outside of the anticipated 1% Annual Chance Floodplain Elevation. Additionally, the applicant is currently working through FEMA's Letter of Map Amendment (LOMA) to more accurately delineate the floodplain areas that encumber the property through the submittal of the calculated BFEs. This process is anticipated to be completed following the subdivision's recording and will help future lot owners to reduce their flood insurance requirements.

Review Agencies: To-date, Planning, Engineering, Fire, Surveying, and the Weber-Morgan Health Department have reviewed this project. All review agency requirements must be addressed and completed prior to the final subdivision plat being recorded with the Weber County Recorder's Office.

Staff recommends final approval of Asgard Heights Subdivision consisting of 6 lots, located at approximately 3460 Nordic Valley Rd. in Liberty. This recommendation is subject to all review agency requirements, and the following conditions:

1. Engineering review of the estimated base flood elevations will need to be finalized and approved by the Weber County Engineer. Once approved, these BFEs will need to be depicted on the final plat mylar prior to recording.
2. Civil plans and cost estimates for the Nordic Meadows Drive extension will need to be submitted and approved by the Engineering Division prior to the project being submitted to the County Commission for escrow and improvement agreement approval.
3. A signature block on the final mylar or submittal of a final approval letter will be needed for/from Nordic Mountain Water prior to the final mylar being recorded.
4. A deferral agreement for curb, gutter, and sidewalks for the project's frontages along Nordic Meadows Road and Nordic Meadows Drive will need to be executed and recorded simultaneously with the final plat.
5. A restrictive covenant pertaining to the amount of culinary water available for secondary purposes shall be executed and recorded. This covenant's recording number, book, and page shall be notated on the final plat's mylar prior to recording.
6. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction shall be recorded simultaneously with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the 2016 Ogden Valley General Plan.
2. The proposed subdivision complies with applicable county ordinances.

Commissioner Howell indicated that anyone who purchases a building lot along the stream may be required to purchase flood insurance for their property. Mr. Perkes stated that is correct, but the applicant is working with FEMA to adjust the flood plain map to correctly reflect conditions in the area. There was brief, high level review of current FEMA maps and a comparison with the applicant's development plans. Commissioner Burton asked if someone would be able to build a home on lot five while observing the floodplain lines. Mr. Perkes identified the buildable area on lot five, reiterating the condition of approval in the staff memo requiring adjusted base flood elevations for the subject property and that the elevations be depicted on the final plat mylar prior to recording. Commissioner Howell asked if the stream is seasonal or constant in nature, to which Mr. Perkes answered seasonal.

Commissioner Burton inquired as to whether the subject property will qualify for an exemption from secondary water requirements included in LUC 106-4-2-1(b)(2). Mr. Perkes stated that the exemption would only be available if there is a covenant or condition to leave the area covered by pre-existing native wildland vegetation undisturbed. The applicant can develop and receive the exemption as long as they are minimal in their excavation and disturbance of vegetation outside of the 5,000 square foot home sites. Culinary water can be granted to the six lots and can only be used for culinary water purposes and watering of the 5,000 square foot home site area. Commissioner Burton clarified that such water will be metered, to which Mr. Perkes responded that is correct. This led to high level discussion and review of secondary and culinary water restrictions that will apply to the subject development.

Vice Chair Francis invited input from the applicant.

Dan Mabey thanked Planning staff for their work on this project; he addressed irrigation of the property, party of which has been farmed and used for pasture land in the past. In working with the Nordic Valley Water Company, he has purchased the rights for culinary water, plus additional use of irrigation water. He can acquire additional water, but would need to pay more for that water. He has also worked with the Weber Basin Water Conservancy District and Health Department to address the option of recycling water for irrigation purposes. He is uncomfortable with the requirement to limit watered area to the 5,000 building lot footprint and wondered if that could be expanded or if the 5,000 feet could be spread throughout the overall building lot. The 5,000 square foot requirement may be restrictive for a few of the lots, upon which future owners may want to include a pasture area or riding arena. He also has a well permit and other water rights for the property, but those are not taken into consideration when determining whether to grant the secondary water exemption.

The Commission engaged in high level discussion regarding the options the applicant mentioned for irrigating the property; the Commission wants to encourage the applicant to pursue his irrigation options rather than limiting the landscaped area on each lot to 5,000 square feet. Mr. Perkes advised the Commission on appropriate motion language that would afford the applicant flexibility in providing adequate water to the subdivision and giving him the ability to use as much water as he has access to rather than placing a covenant on the land restricting owners from disturbing native landscaping. Principal Planner Burton stated that service providers have the ability to grant the applicant access to additional water that would allow the amount of landscaped area per lot to exceed 5,000 square feet.

Mr. Mabey stated he is comfortable leaving the regulating of water provision to the water company if the Commission is comfortable with such. Commissioner Burton stated that the main issue is not using more culinary water than would be needed to water 5,000 square feet. Mr. Burton stated that a covenant to that end would not prevent the applicant from bringing more water to the area in the future to provide for irrigation of more than 5,000 square feet. The main purpose of the secondary water exemption is to prevent property owners from clearing native landscape and allowing noxious weeds to take over a building lot.

The meeting recessed briefly and staff conferred with legal counsel regarding the application.

Mr. Burton stated staff's final position on policy is that the culinary water service provider has the authority to determine how much culinary water they will provide to any given project; at this time, the culinary water provider has indicated they are comfortable providing sufficient culinary water to irrigate 5,000 square feet of each building lot. Enforcement will be the responsibility of the culinary water company and they will have the ability to meter water usage. Any reference to a covenant deals with water being provided by a private well or if an applicant is asking for the native wildland vegetation exemption, which the applicant has not done in this case. Additionally, the applicant will not get culinary or secondary water from a well, so it is not necessary for the Commission to consider the exemption. Condition of approval number five can be removed upon a motion from the Commission.

Commissioner Lackey stated he serves as a member of the Eden Water Company and the company has received several calls over the past several months from people who are looking for water to accommodate building and many have asked for covenants that prevent others from using too much water and limiting water resources for future developments.

Vice Chair Francis invite public input.

Susanne Hansen cautioned the Commission to not have a bleeding heart for the community and that they uphold their administrative role. She wondered why everyone works so hard to make so many exceptions to existing regulations to allow

projects like this. People keep coming forward and asking for more than is allowed by the LUC; this applicant should not be given approval under this zoning as he cannot meet the minimum lot size of three acres while still providing required roads that are needed to serve the project.

Commissioner Howell moved to approve UVA070821, final approval of the Asgard Heights Subdivision, consisting of six lots at approximately 3460 Nordic Valley Road in Liberty, based on the findings and subject to the conditions listed in the staff report, with the exception of condition number five, which is stricken from the staff recommendation. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

2.2 UVC052021: Consideration and action on a request for final approval of Charly's Acres Subdivision, consisting of four residential lots. Staff Presenter: Felix Lleverino

Planner Lleverino reported the applicant is requesting final approval of a four-lot subdivision that fronts directly on 500 South Streets, which is a county public right-of-way (ROW). This 38.23-acre lot is currently vacant farm ground. Approximately 1,228' north of 500 South Street lies the approximate mid-block. 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 AV-3 zone found in LUC §104-6. The following section is a brief analysis of this project against current land use regulations. This proposal conforms with the Ogden Valley General Plan (OVGP) by encouraging low-density development that preserves open space. The property is located in the AV-3 Zone. The purpose of this zone is stated in the LUC §104-6-1.

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

1. The owner enters into a deferral agreement for curb gutter and sidewalk on areas fronting 8300 East street.
2. The developer provides a cost estimate for the 8300 East roadway improvements
3. The Charly's Acres Subdivision plat conforms to all County Surveyor requirements.
4. The Weber Fire District shall approve a fire suppression system.

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.

There was high level discussion about the condition requiring approval of a fire suppression system, with the developer, Jeremy Krause, noting he would like for condition four to be stricken because the fire systems are already being required by a covenant that applies to the project.

Commissioner Burton moved to approve UVC052021, final approval of Charly's Acres Subdivision, consisting of four residential lots, based on the findings and subject to the conditions listed in the staff report, with the exception of condition number four requiring Fire District approval of a fire suppression system. Commissioner Howell seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

2.3 CUP 2021-12: Consideration and action on a request for a conditional use permit to install an additional public utility substation infrastructure at the Eden-SAL site, located at approximately 4964 N Powder Mountain Road, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte

Planner Aydelotte reported the applicant is requesting approval of a conditional use permit to install a 20' tower to accommodate equipment necessary to provide broadband services to nearby residents. The tower site located on a hill east of Snowflake Subdivision with access from Powder Mountain Road (approximately 4964 N Powder Mountain Road, Eden) (see Exhibits A & B). At present, one 8'x20' steel equipment shed, and a 10'x30' precast cement shed are employed on the site to house various equipment associated with the existing cell tower use. The additional proposed tower will be located in the southwest corner of the site, and will utilize existing infrastructure for electrical. See Exhibit C for a site plan, and engineered plans, depicting the location and dimensions of the proposed tower. The proposed improvements will not alter the existing cell tower. Conditional use permits should be approved as long as any harmful impacts are mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application, with reasonable

conditions, is able to meet these standards. The following is staff's evaluation of the request. The subject property is located within the F-5 Zone. Public utility substations and radio/television towers are listed as a conditional use in the F-5 zone. Setbacks in this zone are 30-feet in the front, 20 feet on the side, and 30 feet in the rear. Ms. Aydelotte reported on review processes that apply to the proposed use, noting the Fire District and the Engineering Division have both approved of the proposed conditional use permit without conditions. Weber County Operations has approved this proposal with conditions.

The Planning Division recommends approval of file# CUP 2021-12. In addition to all review agency requirements, this recommendation for approval is subject to the following condition:

1. The new structure shall be painted to match the existing colors found onsite.
2. The proposed tower shall not disrupt any existing services on site.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will not be detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use, if conditions are imposed, will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

There was brief discussion about the ownership of the land and the manner in which the proposed would impact other service providers; Ms. Aydelotte noted the County owns the land and other broadband providers in the area have not voiced objection to the application.

Commissioner Torman moved to approve CUP 2021-12, conditional use permit to install an additional public utility substation infrastructure at the Eden-SAL site, located at approximately 4964 N. Powder Mountain Road, Eden, based on the findings and subject to the conditions listed in the staff report. Commissioner Lackey seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

2.4 UVW06062021: Request for preliminary approval for Westwood Homestead Subdivision, a four-lot subdivision located at 1900 N 7800 E, Eden, UT in the FV-3 zone. Staff Presenter: Tommy Aydelotte

Planner Aydelotte reported an alternative access request was previously approved on 10/28/2020. This alternative access approval allows the owner to have a private access easement to access each lot. The owner will be required to record a covenant with the subdivision plat, where the owner agrees to dedicate to the county and improve the access easement at the time the county so requests. The applicant is requesting preliminary approval of Westwood Homestead Subdivision, a single-phase subdivision consisting of four lots, in the AV-3 and FV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC. The subject property is located in the FV-3 Zone. Single-family dwellings are a permitted use in the FV-3 Zone. As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC§ 106-1, and the FV-3 zone standards in LUC§ 104-14. The proposed subdivision will involve road dedication along 1900 North Street, and an approved access exception in order to access lots 2-4.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback regarding on-site wells, as well as recommendations for design requirements for on-site septic systems for each lot. Well permits, for each lot, have been issued by Weber Morgan Health Department, in response to a requested Order of the State Engineer.

Secondary water by private well. If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:

1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;

2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
3. A note is placed on the final recorded plat as required in Section 106-1-8.2; and
4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.

Staff recommends preliminary approval of Westwood Homestead Subdivision, consisting of four lots located at approximately 1900 N 7800 E, Eden. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All wells must be drilled and pump tested prior to recording the subdivision.
2. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC
3. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
4. An onsite wastewater disposal covenant shall be recorded with the final plat
5. A private well covenant shall be recorded with the final plat.
6. A covenant, specifying the allowed amount of non-drought tolerant landscaping, shall be recorded with the final plat.

Vice Chair Francis addressed the applicant and asked if he will need to work with the irrigation company to relocate the ditch. The applicant answered no, it is a private ditch that does not serve other users. He has secured water from Weber Basin Water Conservancy District to serve the area. Additionally, there will not be a fire hydrant installed, but fire suppression systems will be installed in each of the four homes. Ms. Aydelotte stated that given that new information about the fire suppression system, she recommends striking condition six.

There was brief discussion regarding the secondary water service to the property and whether a restricted landscape covenant is required for the project. Principal Planner Ewert stated that will be dependent upon the water allocation for each lot and proposed landscape design of the overall project; this will be determined at the final approval phase of the project. As such, conditions of approval five and six can be removed from the preliminary approval recommendation and will be addressed at the time of final approval.

Commissioner Howell moved to approve UVW06062021, preliminary approval for Westwood Homestead Subdivision, a four-lot subdivision located at 1900 N. 7800 E., Eden in the FV-3 zone, based on the findings and subject to the conditions listed in the staff report, with the exception of conditions five and six, which are stricken from the staff report. Commissioner Lackey seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

2.5 UVG06222021: Request for preliminary approval of Gateway Estates Subdivision, a three-phase subdivision consisting of 31 lots, located in the F-5 and F-40 zones. Staff Presenter: Tammy Aydelotte

Planner Aydelotte reported the applicant is requesting preliminary approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, in the F-5 zone. The only lots that do not have frontage along Hwy 39 are lots 1 and 10. Lot 1 is proposed to gain access by a private access easement. Lot 10 will have frontage along a newly dedicated public right of way extending from the Highway to the north. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). Dedication of a new County road is included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC. The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing shared wells (4) for this phase. The applicant will need well permits issued prior to coming before the planning commission for a recommendation of final approval.

Additionally, according to LUC 106-4-2.1(b), Secondary Water Requirements, each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water. If there will be landscaping and watering restrictions on any of the lots, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067). Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Staff recommends preliminary approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, dedication of new public road, and an associated alternative access request for lot 1, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. An approved plan with Weber Fire District must be submitted prior to going before the County Commission for final approval.
2. UDOT shall grant written approval for the proposed shared accesses off of Highway 39, prior to going before the planning commission for a recommendation of final approval, if this has not yet been completed already.
3. Well permits must be obtained prior to appearing before the planning commission for a recommendation of final approval, per LUC 106-4-2.1(c).
4. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC.
5. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
6. An onsite wastewater disposal covenant shall be recorded with the final plat
7. A private well covenant shall be recorded with the final plat.
8. All required improvements shall be either installed, escrowed for, or a combination of both, prior to County Commission approval.
9. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable.
10. A landscaping plan shall be submitted, prior to receiving a recommendation of final approval from the planning commission.
11. Road dedication and improvements along the eastern boundary of lot 10 shall be shown on the final plat, and escrowed for or installed prior to final approval from the County Commission.

This recommendation is based on the following findings:

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

Ms. Aydelotte noted that she can support the removal of conditions seven, nine, and ten regarding restricted covenants for the project as these should be addressed at the final approval phase of the project.

Commissioner Torman asked if there was any discussion among staff regarding access to the subdivision and whether one roadway is enough for the number of lots. Ms. Aydelotte answered yes and noted staff concluded that an additional public road would not be needed to stub onto Highway 39. Engineering worked with Planning staff and concluded that the current proposed layout is sufficient and does not need to be changed at this point. Ms. Aydelotte then noted that conditions seven, nine, and 10 can be stricken as they should be addressed at final plat, and amend condition five to indicate that an alternate access covenant shall also be recorded on the final plat. This led to high level philosophical discussion regarding the appropriate number of access points that should be allowed or required for this project and whether shared driveway access points are a viable option for improving access.

Vice Chair Francis invited input from the applicant and inquired as to his feelings about the matter of access.

Nate Reeve stated he has met with the Utah Department of Transportation (UDOT) regarding access onto Highway 39; they have pushed for one access for multiple lots to reduce the number of points of ingress/egress onto the Highway. They have suggested the use of shared driveways to reduce some of the access points and he noted he could adjust the plan to include three private driveway access points and one public access point.

Commissioner Burton stated that he wants to rely upon the Engineering experts who have reviewed the plan and have or will provide a recommendation; the Commission's motion should be based upon Engineering review and approval and he does not want to make adjustments beyond what they have recommended. Commissioner Howell agreed. Commissioner Torman stated that he feels the discussion regarding access have been based upon safety, but he agreed that it is important for the Commission to rely upon the recommendation from Engineering. Commissioner Burton agreed and noted that this is preliminary approval and he is comfortable proceeding with action on that item; it may be that the plan is further adjusted prior to final approval of the project.

Vice Chair Francis invited public input.

Susanne Hansen stated she lives near the subject property and she referenced another property in the area that has been developed and accesses Highway 39. There is a great deal of recreational and residential traffic on the road; there is a school bus stop on the road and just past the sign the speed limit is 45 miles per hour. There are many blind corners on the roadway and with the increase in development, the amount of traffic is increasing and she is very concerned about vehicular and pedestrian safety in the area.

Harold Cederholm stated that he also lives in the area and he is concerned about the increase of hard surfaces associated with development because that increases the amount of storm water that is running downstream and impacts his property. The County needs to be aware of these conditions that can lead to flooding; progress is imminent, but it is necessary to protect existing residents.

Ms. Aydelotte stated that she can forward these concerns to the County Engineer to get their input for the Commission prior to final approval. Commissioner Howell asked if the motion to approval the preliminary plat can include a condition to address storm drainage associated with the subject property.

Commissioner Burton moved to approve UVG06222021, preliminary approval of Gateway Estates Subdivision, a three-phase subdivision consisting of 31 lots located in the F-5 and F-40 zones, based on the findings and subject to the conditions listed in the staff report, with the exception of conditions seven, nine, and ten, which are stricken from the staff report. Commissioner Howell seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

2.6 UVP070821: Consideration and action on a request for final approval of The Point Subdivision, located at 3850 North Wolf Creek Dr. Staff Presenter: Steve Burton

Planner Burton reported on June 29, 2021 the Ogden Valley Planning Commission approved a de minimis revision to the World mark PRUD (CUP #32- 98) site plan, which expanded the site by approximately 0.57 acres. On July 27, 2021, the Ogden Valley Planning Commission granted preliminary subdivision approval for this proposal, consisting of 48 lots. The current request is for a positive recommendation to the County Commission for final approval of the proposal. The following is an analysis of the project as it relates to the Weber County Land Use Ordinances. The analysis contains much of the same information that was written in the previous staff report for preliminary approval. The subject property is located in the Forest Residential (FR-3) Zone. The purpose and intent of the FR-3 zone is identified in the LUC §104-17-1. Multi-family dwellings in the FR-3 zone require 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of 2. This PRUD site plan was approved with three buildings, each with 7,875 square feet of area and 16 units.

Culinary Water, Sanitary Sewer, and Secondary Water: The applicant has provided a will-serve letter from Wolf Creek Water and Sewer Improvement District for culinary water, secondary water, and sanitary sewer services. The applicant has provided a capacity assessment letter, as required by the subdivision ordinance, prior to final approval from the Planning Commission. A final plat approval letter will be required before the subdivision can be approved by the County Commission.

Parking: 82 on-site parking spaces were approved as part of the amended PRUD.

Sensitive lands: The property is located within a geologic hazards area. The applicant has submitted a geotechnical engineering and geologic study that was prepared by Western Geologic and Environmental LLC. The development of the site must follow the recommendations that are listed in the report. A notice of geologic hazards will be recorded at the same time the plat records.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office and Weber Fire District have reviewed the subdivision plat. Engineering and Fire approved of the site plan as part of the conditional use review in June of 2021. Prior to the subdivision being considered for final approval from the County Commission, all review agencies comments will need to be addressed.

Staff recommends final approval of The Point Subdivision consisting of 48 condominium units. This recommendation for approval is subject to all applicable review agency requirements. This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. The proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Vice Chair Francis stated that she visited the site and observed vegetation that is typically present in a wetland. Mr. Burton stated that there are no wetlands identified on the wetland delineation map for the area. Vice Chair Francis stated that does not indefinitely mean there are no wetlands present.

Vice Chair Francis invited input from the applicant; she asked about ownership of the units in the project and the presence of wetlands.

Eric Householder stated that there is water on the site that drains from another project at a higher elevation; the water on that site is not properly managed, but it is not a natural wetland and can be addressed with property storm detention and flood control infrastructure. Commissioner Torman stated that he feels it would be helpful for the Engineering Division to revisit storm drainage at the site since the initial review was conducted in 2019. Vice Chair Francis agreed and added that she would also recommend a wetland delineation review for the site, given that it is strange for there to be a significant amount of water on the site even in a drought year. Mr. Burton stated that those recommendations could be handled through a condition of approval and the City's Engineering Division has the ability to determine whether it is necessary to involve the Army Corps of Engineers in the review of the property. Mr. Householder stated that he is concerned that this issue is being raised at this time after he has performed his due diligence according to previous approvals he has received; during previous steps, he has not been told that he needed to determine whether wetlands need to be delineated on the site. Commissioner Burton stated that this project has been in the planning phases for decades and there has not been a focus on wetlands in the past. Vice Chair Francis stated she has raised the concern of water on the property in the past, but she clarified she is not trying to stop this final phase project and simply wants it addressed before development proceeds. Commissioner Howell stated that it may be as simple as asking for a report from the Engineering Department or conditioning approval upon further review of the storm drainage at the site.

Legal Counsel Erickson stated that the Commission could table the application and ask for a report from Engineering or add a condition of approval that Engineering review the project again and that their report must be updated before the application is forwarded to the County Commission.

Commissioner Burton moved to approve UVP070821, final approval of The Point Subdivision, located at 3850 North Wolf Creek Drive, based on the findings and subject to the conditions listed in the staff report, and with the additional condition that prior to sending the application to the County Commission, the Engineering Division will confirm they have examined storm drain and wetland issues at the site and confirm they are comfortable with the proposal. Commissioner Torman seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0).

3. Public Comment for Items not on the Agenda

There were no additional public comments.

4. Remarks from Planning Commissioners

Commissioner Howell asked why the County cannot erect 'no-camping' signs in Ogden Canyon; there are people camping there and they leave behind trash and debris. Principal Planner Ewert stated that he will look into that matter.

5. Planning Director Report

In Mr. Grover's absence, Principal Planner Ewert provided the Commission with some guidance regarding the types of matters that are appropriate to address at preliminary approval versus final approval.

6. Remarks from Legal Counsel

Mr. Erickson indicated he had nothing to report.

Meeting Adjourned: The meeting adjourned at 8:08 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission