Minutes for Western Weber Planning Commission meeting of April 12, 2022, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 4:30 pm.

**Members Present:** Andrew Favero—Chair

Wayne Andreotti

Jed McCormick

Sarah Wichern

Cami Clontz

Bren Edwards

Casey Neville

**Pledge of Allegiance**

**Staff Present:** Rick Grover, Planning Director; Steve Burton, Principal Planner; Tammy Aydelotte, Planner; Liam Keogh, Legal Counsel; Marta Borchert, Planner Tech-Secretary

Welcome to the new Planning Commissioner Casey Neville

1. **Minutes: April 12, 2022; May 10, 2022 Approved**
2. **Administrative Items**
   1. **LVJ022222:** Consideration and action on a request for final plat approval of Jacquelyn Estates Phase 1 Amended Subdivision. **Presenter Steve Burton.**

The applicant is requesting final approval of Jacquelyn Estates Phase 1 Amended Subdivision. The purpose of this plat is to allow the lot owners to take over the previously platted open space. The lot owners do not like the existing open space plan that includes a park and trails. The original developer has not installed those improvements, and the land is currently being farmed.

The lot owners in the subdivision approached the county in 2021, requesting to amend the plat so that each owner could own a portion of the open space. If the county allows the proposal, the subdivision will no longer be considered a cluster subdivision. In order for each lot owner to add the previously dedicated common area to their individual lots, the County Commission will need to relinquish the open space easement that was granted as part of the original subdivision approval. All lot owners will need to sign the subdivision plat as well. The following language on the original plat granted the county the open space easement:

*We hereby grant and convey to Jacquelyn Estates HOA Inc Owners Association, all those parts or portions of said tract of land designated as Common Areas to be used for recreational and open space purposes for the benefit of each member of Jacquelyn Estates HOA Inc. in common with all others in the subdivision and grant* ***and dedicate to the governing entity a perpetual Open Space Right and Easement on and over the Common Areas to guarantee to the governing entity that the Common Areas remain open and undeveloped except for recreational, parking and open space purposes as may be approved by the governing entity***

The Planning Commission makes a positive recommendation for final approval, the open space easement will need to be vacated by ordinance by the County Commission at the same time the subdivision plat is approved by the County Commission.

Where the owners are requesting to become a “standard subdivision” instead of a cluster subdivision, the county

will need to ensure that the subdivision lots meet the A-1 zoning requirements, as well as the other subdivision requirements. The proposal is a lot averaged-subdivision. The following analysis explains how the proposal meets the applicable ordinances.

Steve Burton states that the lots all now meet the lot averaging size requirements.

Todd Mitchel 4863 (cannot understand from the recording)

Commissioner Edwards askes Mr Burton if owners can build on the easement. Mr Burton states that they cannot build on the open space. There will still be an easement on it. Commissioner Wichern asks why it needs to be cut up and owned individually. Commissioner Edwards is frustrated that the developer did not do what was planned in the first place. He is good with moving it forward. He would like all parties to be in agreement and the conservation easement to stay in place. Commissioner Wichern asks the homeowners why the open space cannot be maintained with the HOA dues.

Brandon 4852 Jacquelyn Parkway As far as can it be maintained, it is just weeds and just needs to be mowed and watered. The land would then be maintained by the land owners for the property just behind them.

There was a lot of discussion from home owners and Commissioners about the HOA and expectations from the HOA and the developer.

Rick Grover stated that phase 2 did not take place because they did not get everything in place with phase 1 before they could move forward with phase 2. The other issue is that once the HOA took over the open space, the responsibility was then theirs.

Commissioner Edwards says that the County has a weed board. You can always contact the county with any weed problem.

**Commissioner Edwards motions: I would like to recommend a positive recommendation of this amended Jacquelyn Estates Phase 1 amended Subdivision. . This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:**

**1. All, the open space easement stay in place and that if they need to adjust the HOA agreement to follow Sunset Equestrian, so that they could still build a building on it, but that it does stay undevelopable I guess to a point. The second condition is:**

**2. Prior to going to the County Commission, that they have agreements with all 6 owners in there before it goes before the County Commission**

**The recommendation for approval is based on the following findings:**

1. **The proposed subdivision amendment conforms to the West Central Weber General Plan.**
2. **With the recommended conditions, the proposed subdivision amendment complies with the Weber County Land Use Code.**

**Second by Commissioner McCormick. All voted in favor 7-0. Motion passes**.

Thank you to the public and the Commission for your participation.

* 1. **LVM042221:** Request for recommendation of final approval of Mountain Views Land and Livestock Subdivision, consisting of 21 lots. **Presenter Tammy Aydelotte**

8/10/2021 – Preliminary approval was conditionally granted by the Planning Commission.

# Conditions for Preliminary Approval

* 1. Prior to scheduling for final approval with the Planning Commission, West Warren-Warren Water must issue a will- serve letter. – See Exhibit B
  2. That prior to final approval with the Planning Commission, a secondary egress, that we can see the right of way line and that it is secured and that the applicant as mutually agreed by the applicant and the County, on that line. The development agreement can come prior to recording. – Planning is working with the County Attorney’s office to make final adjustments to this agreement and submit to the County Commission for final approval.
  3. A table must be shown on the final plat, showing lot area and widths for all lots within this subdivision, along with the calculated average for each. It must be noted, under the name of the subdivision, that this is a lot-averaged subdivision on the final plat. – See Exhibit A
  4. Updated letter from Health Department for sewer system. – See exhibit B

Commissioner Wichern asks that when sewer becomes available, with the homeowners have to switch to sewer. Ms Aydelotte states that there is no requirements at this time.

John Price- owner 646 S -- We are working with the sewer district and we are installing pressurized lines

Chair Favero asks for a motion. Bren Edwards motions the following:

**Bren Edwards recommends final approval of Mountain Views Subdivision, a lot-averaged subdivision, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:**

1. **With the subdivision approval going to the County Commission that they approve the development agreement at the same time which will secure the secondary egress.**
2. **Prior to plat recordation, all required improvements shall either be installed or escrowed for, or a combination of both.**
3. **Prior to receiving final approval from the County Commission, the culinary water provider and secondary water provider approve of the project unconditionally, or sign the subdivision plat.**

**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**

**Motion seconded by Commissioner Neville. All in favor 7-0. Motion passes.**

1. **Public Comment for Items not on the Agenda: None**
2. **Remarks from Planning Commissioners: None**
3. **Planning Director Report: None**
4. **Remarks from Legal Counsel: None**
5. **Work Session**

**Adjourn to Work Session**

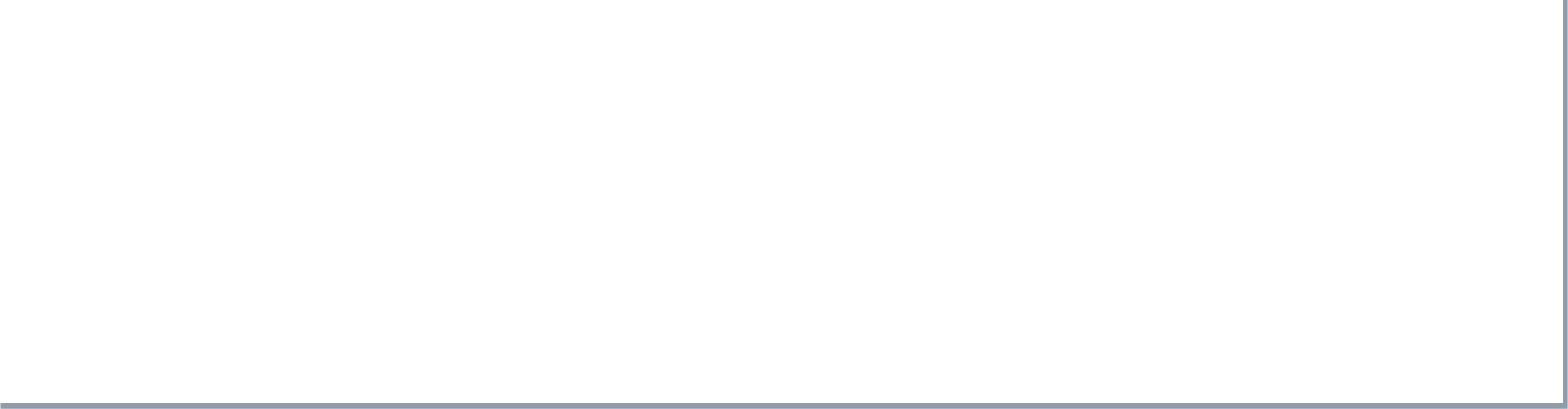
**Draft Western Weber General Plan Review –Presenter Charlie Ewert**

**Adjourn**

**Respectfully Submitted,**

**June Nelson**

**Lead Office Specialist**



*The regular meeting will be held in the Weber County Commission Chambers, Break -Out Room, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.*

*Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8371 before the meeting if you have questions or comments regarding an item.*

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