

Minutes of the Western Weber County Planning Commission held February 10, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m., 2380 Washington Blvd., 1st Floor, Ogden, UT

Present: Jannette Borklund, Chair; Andrew Favero, Wayne Andreotti; Mark Whaley, John Parke, Roger Heslop

Excused/Absent: Ryan Judkins

Staff Present: Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner, Scott Mendoza, Principal Planner, Christopher Crockett, Legal Counsel, Kary Serrano, Secretary

- *Pledge of Allegiance*
- *Roll Call*

1. Minutes:

1.1. Approval of the January 13, 2015 meeting minutes

Chair Borklund declared the January 13, 2015 meeting minutes approved with the noted corrections.

Chair Borklund asked if any member had ex parte communications to declare. No ex parte communications were declared.

Petitions, Applications and Public Hearings

2. Administrative Items

2.1. New Business

- a. Consideration and action on preliminary approval of Winslow Farr Jr. Farm Subdivision (81 lots) and an Access Exception AE 2015-01 for lot 100 and lot 101 located at approximately 2269 South 3500 West; Bob Favero, Applicant**

Jim Gentry said that the applicant is requesting a preliminary approval of Winslow Farr Jr. Farm Subdivision (81 Lots), a cluster subdivision. The applicant is requesting a 25% bonus; 10% for doing a cluster subdivision, and he could get up to 15% bonus for having a one-acre community garden that is open to the public, and for the number of lots he is asking, he will need about 22% for the total density. The minimum frontage in a cluster subdivision is 60 feet with the setbacks being 20 feet on the front and rears with the sides a minimum of 8 feet. The proposed project will occupy 69.943 acres and consist of 81 lots, with 21.595 acres of open space which meets the requirements of 30%. The subdivision will be serviced by approximately 9.185 acres of public road improvements. Since the zoning requires 40,000 sq. ft. of area, 66.165 lots would be allowed on this property, plus the 25% bonus which would give them the requested 81 lots. The lots range from 13,000 sq. ft. to 25,000 sq. ft meeting lot area and frontage requirements of the cluster subdivision code. The code further requires a separation of these clusters with a strip of open space at least 75 ft. wide, and roads cannot be used as a separator.

Jim Gentry said that the applicant is required to install a solid board, chain link, or other non-climbable fence not less than 5 ft. in height, the irrigation ditches or canals which carry five second feet or more of water, for a fence shall be installed on both sides of existing irrigation ditches. The Weber County Engineer's Office has reviewed the project and all items need to be addressed prior to submitting for final approval. Taylor-West Weber Water gave preliminary approval with the condition that secondary water is provided by Hooper Irrigation and Weber Basin contract for the water rights. A capacity Assessment letter on the water system is required from the state prior to final approval from the Planning Commission. Central Weber Sewer will provide sewer services with the condition of annexation into the sewer district prior to final approval by the Planning Commission. The Fire District stated that the fire hydrant spacing is incorrect and corrections need to be made and resubmitted to the fire district. A second access is required when the number of homes reach 30. The applicant is requesting approval of Access Exception 2015-1 (AE 2015-1) for lots 100 and 101 to be accessed by a 30 foot easement from 3600 West. Since one new lot is being accessed by this right-of-way easement, approval needs to be granted for an access exception. Staff recommends granting preliminary approval subject to staff and other agency comments to include the approval of the Access Exception.

Commissioner Favero inquired if the lots 100 and 101 would become flag lots. Mr. Gentry replied they aren't flag lots because they don't have the stems; it's just an easement that will be going to those parcels.

Chair Borklund inquired with phase one being on one end and phase two being on the other end, would that be 30 homes that have separate access, because they could have 30 on each end and still not meet that access? Mr. Gentry responded that is correct and the Fire District would be watching that.

Chair Borklund inquired what if they approve this preliminary plan as it is, and those four lots showed up on Phase 5, and after they finish with Phase 1, would they have to come back for an amendment? Mr. Gentry replied no, they would just have to include it as part of the phase.

Bob Favero, applicant, who resides in Liberty, said that he needed to address a couple of things. The plans for this open space would have access from Farr Parkway and included is the 43,000 sq. ft. which makes it large enough for them to sell it to the owner of lot 100. He will increase it enough to make it 43,560 to have access. This particular lot may have to have a Homeowner's Association and if they do, it would be within that phase and not the whole project. The reason for this project is that his family and Gary's family have decided that now would be a good time to do something with the land; it would be easier if they did rather than leave it for their children to do. Their ground and Farr's ground is all spread out in long narrow strips and nobody could do anything with it because it didn't have any frontage for development. They decided to develop this property together, and create a large subdivision to make it work. They tried to accommodate the area with large open spaces, using the cluster ordinance, with some decent size lots that people could take care of, try to keep the rural feel, and have it marketable for people to buy. They will have curb, gutter, and sidewalk. It is a good compromise between the larger lots, and has smaller lots with plenty of open spaces and they are over four acres except for two.

Chair Borklund inquired on the Area D, do you need that for open space or would that be added to lot 100 or have that as the separation? Mr. Favero responded that there needs to be a separation and he will make sure that there is 75 ft. in that area to have a separation of clusters. These open spaces will have covenants on them by way of easements along those properties so that they will not be used for development in the future. In perpetuity these open spaces will always stay open and have some sort of operation with an agricultural use.

Chair Borklund inquired why phase one is on one end and phase two is on the other end. Mr. Favero replied that phase one is in this area because of more open space, traffic is on that road, and this has the entrance to the subdivision. This way they could wait later on to put a bridge in and that would be phase two.

Commissioner Andreotti asked on community gardens, how are they going to advertise about that garden so they get people to use it? Mr. Favero replied that it will take some amount of advertisement to people in the area. They plan to put a sign on the property and advertise it as a community garden. They plan to have an association, a group to manage and market that, and these people will have to pay fees to be able to pay for the water. He has done the research and found that this is a good thing and it builds community unity.

Chair Borklund said that this could work for Eagle Projects or 4H Projects and that could be a way to market it and get more people involved.

Commissioner Andreotti inquired if the water was pressurized. Mr. Favero responded yes it is.

Melissa Porter, who resides in Taylor, inquired with the Blue Acre Subdivision and Mallard Spring Subdivision doing one acre lots, why is this development being allowed to do smaller lots? The two subdivisions were not met with concerns, and that indicates what the community wants. This open space wouldn't be a concern if they were acre lots. Taylor is a great place to live in and these cluster subdivisions do not have that rural feel and don't fit in with the community. This also brings down the demographic of the area as well. Another concern is the roads are not prepared for the traffic increase that will happen and the infrastructure is not there to allow for this cluster subdivision. This would be setting precedence for the other parcels in the area.

Byron Bosshardt, who resides in Taylor, inquired that when staff indicated that it was 81 lots, between 13,000 to 25,000 feet, could they share how many quarter acre lots and one acre lots? It would help them understand in looking at the map; there seems to be a lot of small lots in there. Just from the demographics, Allen Estates has 30 lots and since 2008 only 3 homes have changed hands, Wally Acres has 26 lots and since 2008 7 homes have changed hands. There is an amount of turnover difference in that demographic from those that buy larger lots versus those

who buy smaller lots. He would prefer to have some CC&R's that are firm that establishes something that fits the Allen Estates model. A concern is the lighting and they don't want light pollution in that part of the county. Has the water for the additional open space taken into effect, and are there drainage ponds? Does the county have a plan to improve 2200 South all the way down because of the increase in traffic? Has the county taken into account the impact on the roads along the full length of 2200 South, between 3500 West and 4700 West?

Tony Cant, 2463 S 3500 W, representing the Cant Household, said their concerns pertain to the greeting space when they would prefer to have a larger per lot acreage. They don't need a community garden when they could have gardens on their acreage. He is a Certified Professional in Erosion Sediment Control (CPEST), and this is based on a hill so they need to make sure that the MS-4 can substantiate the runoff from this job site. They need to make sure that the storm water pollution plan is in place before any development goes into effect; because this being on a hill, they don't want any pollution coming off into the roadways, which could cause more traffic with trucks coming in and out on to 3500 West. They would like to see a half acre minimum. They would like a compromise and cluster housing is not a compromise, and having green space is not a benefit. They would like to see something in the middle that would benefit everyone.

Dustin Russell, 3998 W 2200 S, expressed his opinion that when he received the notice of landowners within 500 feet of the development and was advised of meeting. There is a low representation from the community, and that's because it is so rural with underdeveloped spaces. He supports what the other people have said and this is a rural area of Taylor, with lots of space, and it doesn't support cluster homes.

Chair Borklund inquired why cluster subdivision versus regular subdivision is proposed. Mr. Favero responded that they would have appreciated if there were half acre lots but there isn't any. If there had been a zone for half acre lots they would have taken that option. As to the homes in this area of what they expect and what are in their CC&R's, it would be similar to the Allen Subdivision. As to the storm water runoff, they will abide to whatever the County Engineer wants them to do. There is drainage ditch to the west and also along 3500 West which they've piped for the water coming down that hill going to the drain ditches on that site.

Byron Bosshardt asked how wide the roads are and who would be maintaining them. Bob Favero replied that they are 60 foot county roads and will be maintained by the county. There will be curb, gutter, and sidewalk along 2200 South along their subdivision and the interior roads will also have curb, gutter and sidewalk.

Kevin Roberts, 2411 S 3775 W, asked about the fencing. Bob Favero replied that the canals have to be fenced on both sides and it will be chain link fence. Jim Gentry added that it will be five feet, non-climbable small diamond chain link fence.

Kevin Roberts asked staff to clarify the half acre ordinance. Chair Borklund replied that this area is zoned A-1 which requires one acre lots. However, there is an ordinance that allows cluster subdivision which gives an option for small lots as long as there is open space within the project. Mr. Gentry added that the current zoning is 40,000 sq. ft. in the Western part which is slightly under an acre, and under the cluster proposal, it could go down to 6,000 sq. ft. This is just an option to get a variety of housing styles, and lot sizes in the community.

Chair Borklund said that anyone is able to petition to rezone from A-1 to a different classification. Mr. Gentry added that the current plan calls for this to be low density, one acre lots, and a provision put in for a cluster subdivisions to go as small as 6,000 sq. ft. if they are on sewer, but they have to have open space. Anyone can come in and petition to amend the general plan and amend the zoning ordinances to allow for smaller lots. Currently the 2002 General Plan doesn't recommend it.

Bob Favero responded to a question raised as to the number of lots; he hadn't counted but knew that those under 15,000 sq. ft were only nine lots. The majority of them are from a half acre down to 15,000 sq. ft. so that would be a third to a half acre lots.

Byron Bosshardt suggested to Mr. Favero on the edge of that open space that he put in an easement or right-of-way so that someone could bike or walk to the back of that church as that would cut back on vehicle traffic. Mr. Favero

responded that he used to work for the state department of the church and they would not allow us to have access to the back of the building.

Judy Cant, 2463 S 3500 W, said their concern is the water runoff that goes down to her property and if it would flood her out so that needs to be taken into consideration. Chair Borklund replied that the runoff would have to be addressed through Engineering. Mr. Gentry added if they looked at the Engineering review, they are asking for storm water calculations, including detention/retention. They are also asking that they do the construction in phases. They have to submit a SWPPP plan and water pollution plan as part of the construction. Mr. Favero added that there are storm drains throughout the project that will be emptied into the current drainages.

Chair Borklund said under state law if it meets the subdivision requirements of the county in terms of the zoning ordinance and the general plan, the Planning Commission has no ability to deny. However, they can table, they can ask for information, they can approve with conditions, or approve with staff's recommendations.

Jim Gentry informed the members about the notices; the notices are not just sent to people who live there, they are also sent to all the property owners that have vacant lots.

Chair Borklund said they can't act based on public clamor. They have to follow the general plan, the county zoning ordinance, and the cluster subdivision is an approved zoning ordinance. The question before this commission is do they grant them the density bonus of 25% to give them the 81 lots, or should they give them the 15% bonus for the Community Garden.

Commissioner Heslop said he liked the idea of the community garden and believes it would be beneficial. There seems to be a greater interest in having local home grown produce. From his respective, this would be an excellent thing if it's going to work. He would hate to see the bonus density change, because of all the planning journals and information they are receiving; he liked that portion of the plan.

Commissioner Parke inquired who is going to own and maintain the community garden; is there a backup plan, or does that revert back to the homeowner? Mr. Favero responded that it would depend on the Homeowner's Association as to what they would do with that. This garden is not just for the people that live there; it's for others that may come into the community from other areas. Where he lives, there are garden areas where people come and pick the produce and it is very successful for those who don't have the opportunity.

Chair Borklund said that this would be part of Phase 4 and it's not going to be developed until the later phases. Most of the people in that area have large enough lots and they have their own gardens; it's hard to know what would happen.

Commissioner Andreotti inquired as to how many times they have had an application for 30 homes with people in the audience saying they are eating up 130 acres and there needs to be something different. The general plan process has allowed for cluster subdivisions to save some green space, and they now have that here as another option. If they took these 66 acres and had half acre lots, there would be 132 houses out there. The cluster subdivision seems to fulfill a need in the community. As for the garden, there are some in urban areas and they work very well, and it seems this would be worth a try. They could have 66 homes, or they could have 132, but the applicant is asking for 81 homes.

Commissioner Parke said that this commission has wrestled with this cluster subdivision ordinance, and had problems with what had been presented to them. They should commend the applicant for having met with the vision of what the cluster subdivision should be, and is far better than what was presented in the past. He has met the requirement of the 10% for the cluster, and he is comfortable with the amount the applicant is asking for.

Commissioner Favero said that the idea of the community garden is a great opportunity if it's taken advantage of. It is a great scouting project or a school project. There are plenty of kids that are involved in FFA that could get involved and with the support of the community, it would be a great opportunity. This is just a matter of promotion and getting all the communities involved.

MOTION: Commissioner Heslop moved for preliminary approval of Winslow Farr Jr. Farm Subdivision (81 lots) and an Access Exception AE 2015-01 for lot 100 and lot 101 has existed prior to his lifetime. It meets the requirements of the Land Use Code including the Cluster Subdivision Ordinance, that a 25% bonus be granted, and that it meets the open space requirements. Commissioner Parke seconded.

VOTE: A vote was taken with Commissioner's Favero, Andreotti, Whaley, Parke, Heslop, and Chair Borklund voting aye. Motion Carried (6-0)

2.2. Large Lot Subdivision Concept Discussion – Scott Mendoza

Scott Mendoza said he had a conversation with the Ogden Valley Planning Commission. A resident came in about brainstorming ideas with rural as a center of that conversation. The idea that came about was being called an Estate Subdivision; the Ogden Valley General Plan talks about a large lot option as far as development goes. We are starting to think that it may be something along the lines of a subdivision, i.e., the Ogden Valley, with a three acre zone, that doesn't allow three acre lots, but it may resemble something more like a real estate subdivision. Where it would be one home per three acres, there would be one home per six, nine, or ten acres. An incentive would be built into something like if you construct a drive-way system that could withstand the weight to accommodate an emergency vehicle. The county could incentivize development like this large lot option. It would incentivize in such a way that it wouldn't require the developer to have to develop the entire infrastructure of curb, gutter, and sidewalk.

Scott Mendoza said the idea would be to have some tubal fences that may be line with these longer driveways that may resemble a large driveway system. What they would end up with is not three acre lots, but maybe six, or ten acre lots. In the Western part of the county what you may end up with is one unit per acre, or maybe two, five or ten acres. The incentive would be that there would be fewer infrastructures. The driveway system would be private, the county wouldn't be obligated to maintain, the owners of the property would maintain those driveway systems. They are talking about easement properties, and once they are put in a subdivision like that, they couldn't be subdivided into more lots without the county holding the appropriate public meetings, relinquishing any rights that were put in place with the open space rights. This is just in the beginning stage of thought and they wanted to know if there was any interest from the Planning Commission. They will bring this back for more information for a decision.

Commissioner Favero inquired that if this was a large lot, 10-20 acres, with a house in the middle of it, and if this driveway that meets the standards for emergency equipment was not maintained? Would there be some sort of backlash to the county. Would there be some sort of backlash on whoever the providing entity is, whether it be Western Weber or Ogden Valley if an emergency vehicle couldn't get to the middle of this 20 acres because of some issue or problem. Scott Mendoza responded that he would talk to the County Attorney and get an opinion. Right now, these access exceptions do require a certain standard, and the Fire District reviews them. There are standards as far as compaction, when an access exceeds a certain length, it needs to be a certain width, and there needs to be turn around at the end.

Commissioner Favero asked if an applicant wanted to put a home in the middle of an undeveloped subdivision, they could put a home in the middle of a 20 acre property. They could plan it out so that at some point in time when it was a liability and was no longer a positive thing for a family, that road would be put in according to an engineer plan, that eventually it could be phased out over time. Essentially, that is what you are speaking of here. Scott Mendoza replied that if the large parcel ends up further subdivided, at some point the minimum lot size when it reaches five acres or less, it's going to have to be a subdivision lot. According to the rules in place, it's going to have frontage on a road, unless there is some other way to be platted.

Commissioner Favero said if he owned this large piece of property and wanted to build a home and have an estate for a period of time, he would need to meet the standards. But in the process he would also be planning ahead, and if decided that he wanted to subdivide it, he would come back in and subdivide it. Scott Mendoza replied that if he wanted to have one home site on a property, and then not after long you would start subdividing, this subdivision would not be for that type of situation, because once the subdivision is developed, those easements put in place would not allow that for that subdivision.

Commissioner Andreotti asked that he kind of struggled with the population growth for our area here, would this be a new zone? Director Wilkinson replied that this is a tool help out with what you are talking about, and what Mr. Mendoza is saying, they are essentially getting rid of a lot of that density within whatever area is being subdivided, in exchange for trying to decide some of that density and retiring it, they get reduction in the infrastructure costs.

Commissioner Andreotti said as to the Transfer Development Rights (TDR's), he has a five acre parcel, and he would give up four of his development rights; how would that feel? Scott Mendoza replied that what is going on in the Ogden Valley is very different from the Western part of the county. The largest concern in the Ogden Valley had to do with density, the overall numbers there, and the public there would like to lower the overall numbers that could be developed in the future. As far as TDR's, it would be interesting to see how the general plan goes that leads them in a direction of TDR's, transferring from somewhere to another designated area.

Commissioner Favero said if they have TDR's, then the cluster subdivision ordinance will then become diluted, because then they will be able to take property rights from somewhere, transfer them, and will be able to pack as many houses into a subdivision, but the right or the open space can be transferred somewhere else, unless that's incorrect. Scott Mendoza replied that the units would go to a designated receiving area, it may not be in a subdivision and the cluster subdivision may not be a receiving area. It may be a small area confined to the boundaries of the existing cities. It may not be in the rest of the county, and a transfer may go some place without sewer, and is already fairly urban.

Commissioner Favero said that there is other information that he feels they should be looking at and suggested putting this on hold for now. Commissioner Andreotti said that it would be okay to get the information now so they can think about it. Scott Mendoza replied that this is very early and they don't know if it's going to work or if it is something that the county would support.

3. **Public Comment for Items not on the Agenda:** There were no Public Comments.
4. **Remarks from Planning Commissioners:** There were no remarks from the Planning Commissioners.
5. **Planning Director Report:** Director Wilkinson indicated that he had the 2014 Summary of all the applications they received and the number of permits issued. He will be presenting a report to this Planning Commission of their work plan and things they are doing to comply with the general plan for next month. He was informed by Charles Ewert at the last meeting of the discussion about a potential update to the general plan. They had a discussion with the County Commission, and they are not opposed to that idea, but it's not going to be this year or the next year, because they want to see what is going to happen with the Ogden Valley General Plan, and see what is being implemented from that, and it may take a couple of years. The general plan states that when 500 houses are built, that would be the threshold and trigger a new general plan. There have been almost 400 houses built since 2003, and County Commission said that they were close, and they could expect some development in the next couple of years.
6. **Adjournment:** The meeting was adjourned at 6:35 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission