

Minutes of the Western Weber Planning meeting of September 11, 2018, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair
Jannette Borklund
Greg Bell
Bren Edwards

Members Excused: John Parke
Jennifer Willener
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principal Planner/Long Term Planner; Steven Burton, Planner III; Tammy Aydelotte, Planner I; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

1. **Approval of minutes for July 10, 2018.** Approved as presented.

Chair Hancock asks if Director Grover if has an opening statement. Director Grover states that the first two items are administrative. Public hearings are not required on those. The last item is a legislative item, they will need to take public comment, before forwarding the recommendation on to the County Commission.

Chair Hancock asks if there is any conflict of interest or ex parte communications to declare. There are none.

LVJ07217: Consideration and action on a request for preliminary approval of Jacquelyn Estates Cluster Subdivision Phases 2 and 3.

Mr. Burton gives an overview of the proposal as listed in the staff report.

Craig Standing 5337 Ridgedale Dr. states that they are asking for preliminary approval for phase 2 for 5 lots. Originally there was meant to be 13 lots for phase 2 but based on the financial situation they want to minimize the exposure and have less financial burden going into phase 2. Everything else will remain the same, phase 1 all the lots are sold.

Commissioner Bell asks regarding the space in between phase 1 and phase 2 to the left of lot 19 between and lot 4. Mr. Standing states that it is a walkway to access the open space or common area. There is going to be a pavilion with a small park and a community garden center. Chair Hancock states that one thing they are concerned about is the preservation plan. There is a lot of ambiguous language in the application. Commissioner Edwards states that it appears to be copied from another application and some of the language does not seem to apply to this item. Specifically, the individually owned agricultural parcels. There is also another area in the plan that contradicts themselves, regarding land use options. In one section it states that animals aren't allowed and in another section, it states that animals are allowed. It is very confusing and it needs to be clarified.

Commissioner Edwards asks at what point those amenities going to be installed. Director Grover states that this is something that will be addressed in phase 2 it is a condition of approval. When the item is brought back for final approval those items will have been addressed.

Chair Hancock asks if there are any other questions for Mr. Standing. There are none.

Mr. Burton states that he can speak to Commissioner Edwards last question. The developer has bonded his escrow for those improvements, they just haven't been installed yet. The County does have the funds for the park and the open space. It will be a private park, maintained by an HOA. An open space preservation plan is required for a Cluster subdivision to preserve the open space. It makes it clear to the Planning Commission as well as the future owners what the amenities will be. It also indicates bonus density to be awarded.

Mr. Burton goes over staff recommendation and conditions as listed in the staff report.

Commissioner Borklund asks if the affordable housing was already placed in phase 1. Mr. Burton states that it has, it is lot 1 in phase 1.

Commissioner Edwards asks if there is any indication of where the second lot will be. Mr. Standing states that they had lot designation for affordable housing in the previous Plat which was in lot 15.

Chair Hancock asks if there are any further questions. There are none.

Chair Hancock opens the public hearing. There is no public comment.

MOTION: Commissioner Borklund moves to recommend preliminary approval of LVJ07217 Jacquelyn Estates Cluster Subdivision Phases 2 and 3, consisting of 13 building lots and 2 common areas. The recommendation for approval is subject to all review agency requirements and based on the conditions listed in the staff report with the added condition that the preservation plan is established with detail prior to final approval. The Planning Commission will require something that they can review that fits with the subdivision. The proposal is based on the findings listed in the staff report. Commissioner Hancock seconds. Commissioner Bell votes nay. Motion carries (3-1)

Commissioner Bell states that there are too many conditions for him to feel comfortable with this proposal.

LVF071318: Consideration and action on preliminary approval of Fenster Farms Phase 2 Subdivision (8 lots).

Tammy Aydelotte states that she apologizes there is a typo on the agenda and the staff report. It is an 8 lot subdivision, not 9. Mrs. Aydelotte gives an overview of the proposal and the map. There are some concerns that have been brought up by property owners. There is a canal that runs to the back. There have been some concerns regarding flooding. The canal is several hundred feet away; it will not encumber phase 2. When the applicant submits a proposal for phase 3 the canal and the wetlands will be addressed. Another issue that has been brought up is some flooding to the South. There has been flooding from irrigation on to the southern property. Engineering has indicated it is a civil matter, there are in the process of trying to mitigate that from phase 1. For phase 2 among other things, Engineering has requested a plat for the detention or a retention pond, and a drainage plant for that. They have also requested a geotechnical report and a bond for the improvement. These are all things that will be addressed before bringing it forward for final approval.

Kenny Palmer 3062 W 4375 S states that this is a continuation of phase 1 which was put in several years ago. It is 8 lot and the detention basin will be going down to the street, there is a letter permitting it to go into the stormwater. He adds that he is not aware of flooding, but one of the things with that canal is that it is a runoff. If

the river gets too high they can open the canal. The canal is used for overflow. The irrigation canal to the east will be moved in phase 3.

Chair Hancock asks if there are any more question for the applicant.

Mrs. Aydelotte notes that they have feasibility letters from West Warren specific to 8 lots in phase 2. Secondary water will be provided by Mt. View Irrigation; they have indicated they can provide secondary water. Weber-Morgan Health Department has done soil testing and recommended varies septic systems for the lots on the plat. She adds that at this point there is not a lot of conditions because the proposal is at preliminary approval. She goes over conditions and recommendation as listed in the staff report.

Commissioner Edwards asks if this item will be brought before the Planning Commission again prior to final approval. Will it be reviewed by the County Engineering? Mrs. Aydelotte states that it will be back for final approval where it will be looked at in more detail.

Commissioner Borklund states that she had previously mentioned that engineering was requiring onsite retention, will that change anything? Mrs. Aydelotte states that it won't. When Planning staff recommend preliminary approvals it is generally a concept, but that doesn't mean that The County Engineering and Surveyors will not give a more detailed review. As the applicant gives a more detailed plat or plans for retention they will be made available at the final approval. Commissioner Borklund states that from what she heard the applicant was required to have onsite retention. Mrs. Aydelotte states that the staff report indicates that stormwater calculations will need to be submitted with the improvement plan.

Chair Hancock opens to public comment

Flora Hayes states 5484 W 560 N Fenster Farms Lot 1 states that she is not present to protest the project or to stop it. She wants to provide some insight as a property owner. She would like to provide a list of her concerns to help devise some solutions to help future property owners. She adds that her home was built in September 2014 as a spec home. One of the main concerns is the proximity of the river to the homes and the groundwater. She states that on February 3, 2016, they woke up to 8 inches of water in their crawl space. They had no idea where the water was coming in. The dirt was just piled and did not allow for the water to flow. They installed a french drain to counteract this problem. It is also important to note that the footings were never backfilled which allowed water to come in from underneath. When the septic was installed they dug underneath the footing and out to the septic box. There is a gap underneath the footings. It was not only not backfilled or filled in on the outside of the foundation, but It was also filled with gravel creating a sump for all the water to run into the crawl space. It is also important to note that the septic pump is low below grade level which allows water to get into the crawl space. there is also a hole underneath the septic panel on the side of the house. The concrete patio on the backside of the house had to be ripped out because it sank. When the concrete was removed there was another 8-inch void. According to the Deed Covenant and Restriction to Run the with the Land all homes be raised with the backfill against the foundation to help mitigate possible sheet flooding. She believes that some important steps were skipped, by either the builders or the inspectors. She states that she does not believe that the home was backfilled compacted or inspected. There were also some issues concerning the catch basins. They are flowing the wrong way. This issue has not been fixed or addressed. She is concerned with these issues with regards to the next phases. She adds that the required stop sign was only installed a few months prior to this meeting. The curb and gutter sidewalks differed during phase one and she believes it was a huge mistake. All the water from the roads runs off and into the yards. The asphalt is not thick enough, two more inches of asphalt was added to the road making it higher than the driveways causing more water runoff. Curb and gutter should be installed at the developer's expense. She states that when moved in three years ago they were told that they could only install temporary mailboxes because community mailboxes were going to be put in. She asks who is putting it in and when it's being installed. She also would like to suggest all homes get pumps added. The groundwater is high in that area. To protect the homes a sump pump needs to be installed. The County should try to protect the people

who are purchasing these homes since they are the ones approving the subdivisions. The inspectors need to ensure that the requirements that the County is putting place are being met. She adds that they have spent 30,000+ dollars fixing the numerous issues.

Eric South 522 N 5500 W Warren is the owner of lot 4. He states that he has spent over 50,000 dollars in dirt to try and mitigate the water issues. Secondary water was supposed to be included. Only half of the bill was paid and the rest was given to the owners to pay. He has also had water issues. Every time they irrigate it has turned his lot into a swimming pool. After all the money he has put into it he is still having issues because the drainage was inadequate. County Engineering needs to look at the plan in-depth before preliminary approval is given.

Chair Hancock asks if there is any further comment. There is none.

Chair Hancock asks Director Grover if there is help that can be given to the families. Director Grover states that he needs to consult with the Engineering and Building Inspection departments to determine the issues. It sounds like there are backfill issues, septic box issues, drainage issues and permitting. He adds that he needs to check with Engineering and Building Inspection to see if those issues have been addressed. He states that there are two options. Planning Commission can table the item and refer back to make sure the issues have been addressed. If the Planning Commission feels comfortable moving forward they may approve with conditions. Commissioner Borklund states that she remembers when the first phase was approved. She remembers hearing the public say there were water issues in the area and that it should not be approved. Yet it met the County standards regulations and the Planning Commission depended on the Engineering staff to work out those details. She states those items need to be addressed first before they can move forward to the next phases. Commissioner Bell states that this is one of his concerns. Is that Planning Commission relies on a lot of things being done after preliminary approval?

Commissioner Edwards asks if Engineering will be seen after preliminary approval. Director Grover states that this is the case for phase 2 and phase 1. These phases have certain improvements that are required and financial guarantees in place. He states that he can go back and look to see if certain improvements have been made for phase 1. If it looks like everything has been installed properly it can be brought back to the Planning Commission.

MOTION: Commissioner Bell moves to table until Engineering approval can be presented, and the improvements have been made. Commissioner Edwards seconds. Motion carries (4-0)

3.1 ZTA 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-02) and proposed rezone (ZMA 2018-02) for land at approximately 650 South, 7900 West. The general plan amendment would change area designated as future "industrial" to future "residential/agricultural." The rezone would change area currently zoned M-1 to A-2.

a. Decision regarding File #GP 2018-02, a request to amend the West Central Weber County General Plan.

b. Decision regarding File #ZMA 2018-02, a request to amend the County's zoning map, rezoning areas designated as the M-1 zone to the A-2 zone.

Mr. Ewert states this item has been on the agenda several times, and he is hopeful the Planning Commission has come to a decision regarding this matter. It is important to note that Mr. Davis has approached him and decided he does not want to be rezoned. He would like the Planning Commission to choose an alternative that doesn't rezone his property. Mr. Ewert gives an explanation to the Planning Commissioners of the different options available and how they affect the zone map and the residents.

Commissioner Bell asks what the sliver in-between Mr. Davis's land is zoned, is it permanent agriculture. Mr. Ewert states that it is zoned A-3. He adds that he is not sure if its permanent agriculture, but he believes that there are a

number of options with regards to that property. Commissioner Bell states that Exhibit B is confusing. Mr. Ewert states that there are some issues with the handout copies, and explains map. He states that this is a policy question, and asks if the Planning Commissioner are comfortable making a down zone to Mr. Davis's property and eliminating some of the M-1 rights on the land in favor for A-2.

John Price 400 S 6700 W states that he is not trying to impose on anyone's land. Around his property, there have been 30 homes built and zero manufacturing. He feels that the future use of that land is A-2 residential versus manufacturing. He states that it is completely surrounded by agriculture. Speaking specifically for his land he feels that there is no M -1 uses at all and that the future use is A-2.

Chair Hancock opens the meeting for public comment.

Flora Hayes 5484 W 560 N states that her land is part M-1 and part A-1. She states that the community has essentially agreed on a solution. Move Mr. Prices property to A-2 and make the Hayes property full M-1. She adds that it is not just the farming community they service. They build the trailers that haul the Salt.

Eldon Davis 7090 W 900 S Ogden states that the original application was signed by three people. There is a need for light manufacturing, there will be others. He states that he believes that a lot of what is going on is judgment calls. He states that he would like to stay M-1.

Bill Davis 7598 W 900 S states that he would like to clarify that there have not been 30 homes built around Mr. Prices property. Some of what Mr. Price is referring to is on 900 S. He states that part of his property is in the M-1 and part of it is not. He has met with Mr. Ewert. He states that he owns a construction company and they park some equipment there. He is okay with the property being grandfathered in. He is not bothered as long as he has the right to do what he needs on his property. Referring to Mrs. Hayes and other comments made regarding the Fester Farms Subdivision it was given preliminary approval and was passed on. He believes there is a big problem on Weber County's end. He states that all the subdivisions that have been built in that area have Engineering problems. He states that the County is paying a lot of people a lot of money for jobs that are not getting done.

MOTION: Commissioner Borklund moves to close the public comment. Commissioner Edwards seconds. Motion carries (4-0)

Chair Hancock Closes public hearing.

Commissioner Bell asks Mr. Ewert to explain the differences file #GPA 2018-02 and #ZMA 2018-02. Mr. Ewert states that #GPA 2018-02 is the General Plan amendment. Commissioner Bell asks if they both have to match. Mr. Ewert states that they do not have to match. The General Plan is a recommendation for the future. He explains the different variants. Commissioner Borklund states that the General Plan is looking towards the future. She adds that if she were a resident in that area she would not want some of the uses in the M-1 and M-2 zones in the residential area. She feels that it would be better to keep the industrial zones along 900S. Commissioner Borklund states that it would still be okay to rezone just a piece of it. When it comes to the long term plan, do they want that much industrial in that area? Commissioner Edwards states that when looking at the long-range plan it's important to keep in mind that the West Weber Corridor. The more they push Legacy to the West the heavier manufacturing might be seen in the area. Commissioner Borklund states that perhaps it would be more need for commercial uses rather than industrial. Commissioner Edwards states that demographically based on what is out there the industrial is fitting. Commissioner Bell states that the General Plan needs to be updated either way regardless of the decision made at this meeting, it could all change when the General Plan is updated. He states that he is more inclined to let the match and them see where the General Plan will lead.

MOTION: Commissioner Edwards moves to recommend an amendment to the General Plan to fit Variant 2. Figure 4. with future manufacturing and future residential. This recommendation is based on the following findings. 1. Public opinion regarding the future land uses of the area have changed since 2003 adoption of the West Central Weber County General Plan, and residential and agriculture are deemed more desirable land uses in the subject area. Current development trends will make the property more useful as residential than industrial. The changes are not harmful to the health, safety, and welfare of the public. Commissioner Bell Seconds. Motion carries (4-0).

MOTION: Commissioner Edwards moves to recommend Alternative 3. Variant 1. Figure 5. and recommend the rezone to the County Commission after the changes to the General Plan and the Future Land Use Map. This recommendation is based on the following findings. 1. That after the changes to the General Plan's future land use map, the rezone complies with The General Plan. 2. That the rezone better supports the majority desires of the local community. 3. That the rezone will still protect the existing manufacturing uses through nonconforming rights. 4. That the rezone is not detrimental to the health, safety, or general welfare of the general public. Commissioner Bell seconds. Motion carries (4-0).

Public Comment for Items not on the Agenda:

Douglas Hansen 164 S 3600 W states that he has farmland in Warren. Regarding the discussion about Fenster Farms Subdivision, he believes Mrs. Hayes and Mr. South did an excellent job explaining the issues with the subdivision. He has land across the road from them. He has watched that development, and he understands their problems. These are serious problems that the developer needs to address, not only in phase 1 but in phase 2. An issue he wants to bring up is the letters from Engineering saying they meet the conditions. He adds that in his experience with the County Engineering, it may or may not be adequate. He always questions Engineers. A few issues they don't have is a really good handle on irrigation and irrigation flows and if the field or the ditches are interrupted what happens to the irrigation water and anybody downstream. It will be critical for Phase 3 when they make changes to the ditches. Based on his experience the Engineering department doesn't have drainage knowledge. They tried to do a drainage plan on the channel that goes through the Weber cutoff which affects his property. It was ineffective. He states that he hired an Engineer to help them revise their plan several times because they did not have adequate contracted or in-house support for drainage. An example, on 5500 front of the Fenster Farms before it started, County decided to pipe the open drain. The fields where Fenster Farms exist were irrigated farmland. They had open drains leaving the fields draining into an open drain that went into the spillway. It was adequate it didn't pool or pond on those fields. When the County came in and decided to tile it they never put anything for that water to go into. It started from the north end and ended on the south end and emptied into the spillway. There was no way for the irrigation water to get to the structure, they had to come back and put it in. The road there had some drains there they were set too high, so when the water that drained off it pooled and went elsewhere. He just wants to make sure that when it comes to the preliminary approvals the irrigation plans, the drainage plans, the surface and sub water need to be taken into account. In those type of subdivisions in the area, this is a major concern. The groundwater comes up; it can be 3 or 4 inches below the surface. It varies according to soil and the year. If this subdivision goes to phase 3 and the river gets high it will sub into the ground. It doesn't overflow or flood it will sub. The Engineers need to be aware of this and accommodate. Questions need to be asked to get more details than what is provided in the Engineering letters.

Eric South 522 N. 5500 W. states that the septic systems that have been approved by the County Health Department are horrible. Of the four homes in Fenster Farms phase 1, three of the four have had significant flooding with the on-ground septic system. The only reason the fourth home hasn't had problems is the house has been in place for less than a year. He states that he has had wiring problems, flooding, the Hayes had their leach

field collapse. The neighbor to the East of them has had their leach field collapse. The on-ground septic systems are awful and should not have been approved. It needs to be looked at by the County Engineering for adequacy. Another design needs to be looked at.

Flora Hayes 5484 W 560 N wants to clarify that her leach field did not collapse the builders drove a cement truck over one of the laterals. The only reason the one home hasn't had any problems is that they made sure to share their experiences with owners. She states that the developers need to put sump pumps in and the curbs and gutters need to be added.

Remarks from Planning Commissioners:

Commissioner Bell states that it is important for the public to understand that the Planning Commission can only do so much. The Planning Commission does their best to make sure things are ready for the development but when a plan goes in front of the Planning Commission that meets the code there is an obligation to approve it. He adds that they have to rely on the County Engineering and Building Inspection to their job and for the most part they have been pretty successful. Mr. Bell, It is very unfortunate that the homeowners are dealing with what they are dealing with and he hopes it can get resolved.

Chair Hancock states that it is important these issues are brought to the Planning Commissions attention because it makes them scrutinize the proposals more. They will be paying closer attention to the letters and asking questions for the Engineers. It may delay the process, but bring it to the attention of the Commission makes it possible for them to do their due diligence.

Commissioner Borklund states that one thing that they do have the power to stop the curb and gutter from being delayed.

Commissioner Edwards states that from a stormwater standpoint this is not always a solution when it comes to drainage. It would still go into the ground and still hit the drain ditch in this particular ditch. The state is driving for a more low impact. Now its required for a 90% onsite retention on a 100-year percentile storm. Hopefully, this is something that the Engineering department is looking at. Moving forward as Chair Hancock said The Planning Commission can be more scrutinizing.

Planning Director Report: Director Grover states that at the Commission Meeting earlier today the Dan Bough rezone was approved. The General Plan was amended. The General Plan reflected what was approved. It was approved for the entire parcel to be changed to C-1. He states that he believes it was a good thing one of the Commissioners attended the pre-meeting and explained why. This is not usually seen in a lot of municipalities. It was a good gesture on his part it showed a lot of respect for the Planning Commission and the decisions that are made. They are not always going to vote with the Planning Commission recommendation. They did vote against another item that was passed along recently. They went back and forth on the lot averaging, but they did approve that item. The developer can now go with a smaller lot width and lot area as long as they have a larger lot width and lot area in other lots so that the average is equal to the existing zone. He also wants the Planning Commissioners to be aware that there will be training in the next meeting. The meeting might go longer and they might need to adjust their schedules.

Remarks from Legal Counsel: There are none.

Adjourn to Work Session: 6:28 pm

WS 1: Discussion about setback requirements for alternative accesses.

Mr. Ewert states that the alternative access easements standards ordinance is being worked on. Mr. Ewert gives an overview of alternative access easements standards and changes being proposed. He discusses flag lots and access easements and limitations. He gives an overview of the safety standards, specifically based on Fire District restrictions. He wants the Planning Commission to be aware of the options available. He states that they will need to revisit this when the Subdivision Code is put in place. He asks if they would be comfortable with the 30ft setback and the adjustments can be made when the code is put in place. They agree that this is a good option. Mr. Ewert states that he will bring back to the Planning Commission the details are more clearly laid out.

Adjourn-7:05pm

Respectfully submitted

-Marta Borchert