

Minutes of the Western Weber Planning Commission meeting of August 13, 2019, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 pm

Member Presents: **Bren Edwards**
 Greg Bell
 John Parke
 Gene Atkinson
 Jannette Borklund
 Wayne Andreotti

Members Excused: **Andrew Favero**

Staff Present: **Rick Grover, Planning Director; Charlie Ewert, Principle Planner/ Long Term Planner; Steve Burton, Planner III; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary**

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

1. Approval of minutes for May 14, 2019, and July 9, 2019. Minutes were table to address needed corrections.

Petitions, Applications, and Public Hearings

2. Administrative items 2.1 CUP 2017-02: Consideration and action on an amendment to the Terakee Village PRUD conditional use permit. Applicant: Brad Blanch; Presenter: Steve Burton

Steve Burton states that this is a request to amend the conditional use permit for the Terakee Village PRUD. The request is to allow a secondary water pond in a previously designated open space area that has been approved. The reason for this is to add a secondary water provider in the area to get through the subdivision process and plat the lots. There is also a request that was not added, but he would like to add at this point. The request is to change the front yard setbacks from 30 ft to 20 ft. Staff recommends the approval of changes based on the findings of the conditions outlined in the staff report.

Brad Blanch 736 S 4700 W: states that the change for the secondary water pond is what Mr. Burton outlined, in the previous proposal it was designed to hook up to Hooper Irrigation's secondary water system. It is about a mile and a half away and the cost is high. The secondary water pond is intended to utilize water that they already have. Culinary water will be provided by Taylor West Weber Water. He asks if there is any question regarding this request.

Commissioner Bell asks where Mr. Blanch plans on putting the secondary water pond. Mr. Blanch notes that it would butt up against the irrigation canal. The detection pond will be set back from the road. The roads end there because they are meant to lead to the amenities that will be there. Also per the agritourism ordinance, there is an opportunity to put a farm home on site. That has not been determined yet. The secondary water pond needs to hold 1-acre ft of land approximately 4 ft deep of water. The geo-tech report shows that in that area that the water table is 4ft down that is as deep as it would go because of the Geo tech.

Chair Edwards asks if with the proposed secondary water system it will take care of this PRUD or others. Mr. Blanch states that it would take care of this one. He adds that they have designed the secondary water system to dead-end into 900 S, on both entrances so that when there is a secondary water provider in the area they can connect to and take over the system. Chair Edwards asks who is going to manage the system. Mr. Blanch states that they are forming an association call Terakee Water Association. It is going to be the same entity that is going to own the open space. The streets and open spaces are private. It will be Terakee Farms Inc. which is a not for profit. They will be in charge of managing the program. The fees will be collected and put in a fiduciary account to manage the water.

Commissioner Atkinson asks if Mr. Blanche's intent is to fence the secondary water pond. He states that he would like clarification regarding Mr. Blanche's statement that it could be a part of the open space for future use. He adds that there will be fencing standards which will be included in the CC&R's. There will not likely be fencing in the front yards. Commissioner Borklund states that it would be good to add a restriction for a front yard fence because if someone put a fence in the front yard it does away with the open space. Mr. Blanch states that he agrees this would be a good requirement to put in. Mr. Blanch states half of the property is dedicated to open space. The open space there will be used for agriculture for now. There is a variety of options that are available for the agritourism ordinance. The detention pond will just be used for secondary water for the open space as well as the residential. He adds that they do intend to fence. Commissioner Atkinson asks if it will be used as a public pond at any point. Mr. Blanch states that it is not.

Commissioner Bell asks if they have a proposed detention pond already by the assisted living area. Mr. Blanch states that they did originally have a proposed detention pond, but it was found through the wetland assessment that the area is a wetland area. He adds that while the Army Corp of Engineers would allow them to use it as a detention pond it would take a few years to work through to be able to use it in that way. There would need to be a two for one wetland for the regular land exchange. It would need to be managed for a few years to make sure that it works. The wetland area that can be seen, will stay a wetland. The Army Corp Engineers have done their study and there has been a wetland study done and archaeologist has been hired to review the site as well. All the studies have been done and they are waiting on the final letter from the Army Corp Engineers to close out the wetland issue.

Chair Edwards asks if they are proposing their detention pond secondary water system also be stormwater detention? Mr. Blanch states that it not. The stormwater basin for phase 1 is located in the open space area where A and B are located. It is referred to as the buck ditch which is a secondary water canal that provides water to the South it will be piped and will no longer be a dirt ditch. It will facilitate stormwater on the westside of the canal by the time final approval is brought before the Planning Commission.

Mr. Blanch states that regarding the setback because the streets are private they were able to negotiate 50 ft right of ways. All the houses in this development are going to be bungalow style or modern farmhouse. The intent is to have a get to know your neighbor community with the houses being closer together. He adds that his request is to have the front yard setbacks be consistent with the width of the right of way and be consistent with the other project that he is working on. The request is for 20 ft front setbacks. It was an oversight on their part that when they went through the PRUD process they were listed as 30ft and the intent all along was for it to be 20ft.

Commissioner Bell asks what is to be gained from the extra 10ft. Mr. Blanch states that because of secondary water they would like to do some nativescaping and limit the sizes of yards. There will be front yard and side yard landscaping plans. There will be less usage of water and bringing the homes closer from across the street. There won't be much impact beyond that. It is mostly those two things.

Chair Edwards asks if there are any further questions. there are none.

Director Grover states that regarding conditional use he would like to mention that sometimes when there are de minimus changes they can be approved by the director because this is regarding open space they felt that was not de minimus which is why it was brought before the Planning Commission.

Chair Edwards the public comment. There is none.

Chair Edwards closes the public comment.

Commissioner Borklund states she has a question for staff. She asks if eliminating this as open space, will it affect any of the existing ordinances space and the bonus density that was given. Mr. Burton states that this something that the Planning Commission would need to decide. If the Planning Commission decides that it is not open space then they can make that change through the findings in the motion.

Mr. Blanch states that the bonus density on this project is about 33% the opportunity is 50%. He adds that if the Planning Commission feels the need to reduce the bonus density, it would not likely impact the lots. He did the math and there are 80 units in the project. There are 80 lots and 4 ADU's it would eliminate possibly eliminate 2 of the accessory dwelling units.

Commissioner Parke states that this goes back to the question of whether detention or retention ponds or water systems should be considered open space. Chair Edwards states that a lot of time retention ponds equal half of what a full credit would be. He adds that in his opinion it is a utility, a necessity to the development. Commissioner Borklund states that if it is fenced and it is not accessible to the residents it is not a benefit to them. Commissioner Bell states that it sets a bad precedent to count any sort of detention area as open space when its completely unusable property. Chair Edwards states that a regular basin normally landscaped with grass which has a beneficial use, this is going to have water in at most times. He adds that regarding the setbacks it shouldn't be a big issue, for most people it is more of a benefit. Commissioner Atkinson asks if Mr. Wilson has a comment on the position of the detention pond. He asks if the property owner has the right to do this, or does the Planning Commission have the right to block it. Mr. Wilson gives the definition in the PRUD ordinance. In §108-5-1 of the County ordinances "*Common open space means land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use and enjoyment of the residents of the PRUD*" He notes that it is not clear whether it is open space or not. Commissioner Parke asks what way could that be construed under the definition of open space. Mr. Wilson states that there could be arguments made for both sides. Director Grover states that if the developer was to develop it in such a way that it had an aesthetic appearance it could be counted as open space. This why the Planning Staff has recommended approval. Having a water feature or something that can add some aesthetic value. Typically a detention area is typically dry and looks like a big hole. They might look nice in the springtime and at other times won't look kept. Commissioner Atkinson strongly recommends the aesthetic features be added to make it like a pond. If is going to be listed as open space it needs to look like open space, not a wasteland. Director Grover states that they can ask Mr. Blanch if he willing to do this, and what his thoughts are. Mr. Blanch states that he agrees it should be landscaped all the way around native and natural-looking as possible. He is not sure what the criteria are on fencing but it needs to be secure so that kids can't get in. The fencing could be native and aesthetically done well. Chair Edwards states that the fence disqualifies it from being open space. Commissioner Andreotti states that if they are going to look at it as an aesthetic item that doesn't change the density they need to see what that is before they make a decision.

Director Grover states that Mr. Blanch has been held up on this development and they are trying to get him through the process as quickly as possible. If there is a way that the Planning Commission would feel comfortable seeing stormwater area picking up an aesthetic value, they can include in the motion that it will have a naturalistic pondscape with a wrought iron fence, that could meet the intent.

Commissioner Bell states that if it going to be an aesthetic pond he wants to look at the requirement that states that there is going to be a fence around it. If there is going to be a fence around it, it is no longer open space. It is isolated for utility use and its, not for the public or the residents. He adds that he wants to see a proposal with something that is aesthetically pleasing and no fencing. Mr. Burton states that he has been looking to the requirement or fencing something of this nature. It is not something that the land-use code requires. It is an engineering requirement. Mr. Blanch states that he agrees with everything commissioner Bell has said. He would prefer not to fence it. He would like to landscape it in an aesthetically pleasing way. He adds that this is the last hurdle that they are trying to work through, and he would love a decision today. If the Planning Commission requires him to landscape or if he needs to lose a couple of ADU's that not a problem.

Chair Edwards states that the hang-up is that it is a secondary utility. It is not a detention basin it is a secondary water pond. There is going to be a building and pump system coming out of it. This solely for the purpose to provide secondary water to the area. Mr. Blanch states that he would like to mention that the detention basins in the area in the final engineering drawings for stormwater detention have sprinkler irrigation in them. They are fully landscaped. Typically secondary ponds are not aesthetically pleasing, in this design it is the Hooper Irrigation canal. It is a fully covered canal, the plan calls for landscaped walking paths along the canal. Directly to the south, there is a dugout area, there is a lot of xeriscaping in there already.

Chair Edwards asks if there should be a split motion. Director Grover state that they can look at approving the setback. It can be tabled, to allow Mr. Blanch to come back with more detailed drawings. That they can look at the 20ft right of way and add conditions that will address concerns or deny it as open space. He adds that they are not really setting a precedent because A and B have already been accounted for as open space. If the Planning Commission were to consider it open space they could add parameters to make sure it meets the same intent that A and B were approved under. Chair Edwards asks if the code has changed since this development was approved. Director Grover states that it has not. It's just in the cluster code. He adds that they are working on it but it hasn't gotten to that point yet.

MOTION: Commissioner Parke moves to approve the setback of 20 ft with the condition that no fencing be placed in the front yard the recommendation is based on the findings that it is contiguous with other PRUD's in the area. Commissioner Atkinson seconds. Motion carries (6-0)

Commissioner Andreotti states that he feels that the pond should not be counted as open space.

MOTION: Commissioner Borklund moves to recommends denial of the secondary water pond as open space. Commissioner Parke seconds. Motion carries (5-1) Commissioner Atkinson votes Nay.

Commissioner Atkinson states that either way he feels very strongly about two things. First that it be aesthetically pleasing. Secondly that the long term management be addressed.

Director Grover states that they will want to include findings to go with it and there are conditions for the secondary water system that are outlined in the staff report. He adds that even though it is not being approved as open space it is still being approved as a secondary water system. Mr. Burton also had some requirements for the secondary system. Mr. Burton states that the applicant would still like the stormwater detention pond even though it is not being called open space. It might be worth another motion to decide as a Planning Commission to decide how much bonus density is going to be taken away because of open space.

MOTION: Commissioner Bell moves to amend the previous motions to recommend the conditional use permit for Terakee Village PRUD (CUP 2017-02). This recommendation for approval is subject to all review agency requirements and is based on the following conditions: 1. All conditions from the original conditional use permit approval are still applicable. 2. The applicant must obtain approval from the state for the new secondary water system prior to subdivision approval from the County Commission, and that the setbacks be changed to 20 ft for front yard with the condition that no front yard fences be allowed. A landscape plan be added to the secondary water basin. The approval of this application is based on the following findings: 1. The proposed secondary water detention area does decrease the amount of open space as it is not considered open space. Commissioner Borklund seconds. Motion carries (6-0)

3. Public Comment for Items not on the Agenda: there was none

4. Remarks from Planning Commissioners: Chair Edwards states that it would be good to have two meetings a month to get through some of the work sessions that keep being postponed and that some of the items being discussed at the joint work sessions are not pertinent to both Western Weber Planning Commission. It would reduce the number of items on the agendas, and they can be held on as needed bases. Director Grover states that he will talk to staff and see if it is a possibility. Mr. Ewert states that he believes that there is a great benefit to having joint meetings. It was easier to work through some of the issues with both Planning Commissions Present. Commissioner Borklund and Commissioner Atkinson note that it would be hard for them to attend a second meeting because of scheduling conflicts.

5. Planning Director Report: there was none.

6. Remarks from Legal Counsel: there was none.

7. Adjourn to Work Session: 5:58 pm

WS1: A discussion regarding Street Connectivity Policies. Township + Range consultants, partnered with Wasatch Front Regional Council, will present street connectivity best practices and how they could be applied in Weber County.

Mr. Ewert states that Tim Sullivan from Township and Range is present they have been contracted by the Wasatch Regional Council (WFRC) and UDOT with state funds to work with local jurisdictions on street connectivity. They don't have any legislative control, they have funding. There have been discussions regarding shared public lane and street connectivity, layout and access. Tim will discuss the ties.

Tim states that they did a project with WFRC and MPO in Utah County looking into benefits and tools for street connectivity. He adds that he had a conversation with UDOT to see if they could start implementing some of those recommendations in the quickly growing communities. He states that he had an excellent conversation with the Ogden Valley Planning Commission. They trying to look at the bigger picture and look at what the streets are doing. Streets form the frame for the communities, they are really important in shaping the places where we live, work, and play. There are four aspects of street connectivity scale, density, destination, and connectivity for everyone, not just vehicles. The most obvious benefit is the connectivity. Often times making one small connection can increase the number of people that can access a key destination. The benefits often expand to mobility and health. It improves emergency services and response times for snowplows and emergency vehicles. It is safer in connected networks. It helps the economy because they are walkable and hikeable. It is important to keep in mind that street connectivity is not one size fits all. There are ways to connect all types of street networks without compromising the essential characters. One misconception is that connected street networks don't allow cul-de-sacs. There needs to be a balance, there can't be too many of them and they can be too long. In rural areas, it might be a challenge because agricultural areas might become a barrier, and pedestrian infrastructure needs to be strategic. In suburban areas, the lengths of cul-de-sacs need to be limited and make sure they are well connected for pedestrians. There are some tools that can be used to create good street connectivity. 1. Looking at plans and policies. 2. Looking at development standards. 3. Looking at retrofitting strategies to fix streets networks that weren't done right in the first place. In areas that currently being developed, there is an opportunity to shape sustainable connected networks. He adds that one thing he has noticed is the lack of external connection and if they are not well connected it doesn't matter what the internal connection is. There needs to be well-spaced connections and work around issues like canals.

Chair Edwards states that demographically there are a few issues in the area.

Commissioner Parke states that it is important to plan for the future. The general plan needs to be updated. The reality is that the area won't stay rural the agriculture is going to be gone. It is important to plan for schools, churches and grocery stores. Chair Edwards states that there is a good grid in the area for main roads. Commissioner Parke agrees but states that when you get out to 12th Street if a train were to derail that would cause a lot of problems. It is a hazard.

Commissioner Bell states that the General Plan needs to be outlined and updated the eliminating clusters from certain areas and creating residential zone versus A-1, A-2, or A-3. He asks how do plan for that? The longer we wait for the harder it is going to be to deal with that. Chair Edward states that the General Plan is not going to fix that. The General Plan is going to plan big-picture things. Commissioner Bell states that maybe not but it will help for the future. At this point, the land is getting piece barred because there is no plan in place to structure. Mr. Ewert states that the General plan can have a transportation plan. Mr. Sullivan states that none of the standards is performance-based nobody drawing exactly where the lines need to go. It is a standard that the developer must meet.

Mr. Ewert states that they have asked Mr. Sullivan to assist with deliverables. They have asked regarding recommendations on what can be done in the ordinance. Since the Planning Staff is working on subdivision code it would be good to tackle this as well. Mr. Sullivan states that the whole idea of egress and ingress is based on a subdivision that has a few connections to the street network as possible each project is put together and it just becomes one connected network.

Commissioner Atkinson asks regarding the Terakee Village project. He states that he is glad there is a stub egress to the north. He wonders if there ought to be one to the east side? Chair Edwards states that there can be nothing on the east side because it goes to the water district.

Commissioner Bell states that he believes the burden should be placed on the developer. As long as they are allowed to maximize lot development and ignore connectivity there will be a major problem. Mr. Ewert states that this is something the Planning Staff has been discussing. He states that they have been discussing what is expected and how the current code can be reformed for better outcomes. He asks what kind of retrofit strategies have been implemented in other areas. Mr. Sullivan states that it has consisted of getting pathways through cul-de-sacs, getting easements through properties and possibly buying properties, adding crosswalks and pedestrians access across busy streets. The worse the connectivity is the bigger the streets have to be. It becomes a barrier. Mr. Ewert states that it limits access opportunities for the underserved population. Mr. Sullivan notes that this is something that can sometimes be fixed through redevelopment.

WS2: A discussion regarding new medical cannabis permissions in state code and how they may affect the Land Use Code.

Mr. Ewert states that the State has said that if a municipality or county provides an industrial zone the municipality or county shall ensure the industrial zone allows for 1 medical cannabis production in at least 1 type of industrial zone. If a municipality or county zoning ordinance provides for an agricultural zone the municipality or county shall ensure that the ordinance allows for cannabis production in at least 1 type of agricultural zone. He notes that Weber County has both, so the challenge becomes how to fit it into the agriculture zone and the industrial zone. He notes that they are called medical cultivation facilities. The cultivator will grow, dry, and package. It will then be sent to a state-run lab to be tested and labeled. The state is requiring that the County allow for a cultivation facility in the industrial zone and the agricultural zone. The facilities are all indoor. They are high security, fenced, cameras. They are reliant on electricity. It cannot be planted in native soil. There were 8 permits issued in the states of Utah. All 8 went out of state vendors because they have experience in growing. The cultivation facility has to be in the state and cannot produce for outside state lines. The facility cannot be within 600 ft of residential use area, and 1000 ft from community location. Commissioner Borklund states that the A-1 zone is being used as residential but isn't zoned as residential. Mr. Ewert agrees and states that these issues occur when the legislature doesn't understand how the zoning works. It is not one size fits all. In Weber County A-1 and A-2 both allow residences at the same density but are agricultural zone not residential. As far as regulating medical cannabis in the M-3 zone is being proposed a permitted use. In the A-3 zone, it is proposed as a conditional use. Mr. Ewert states that according to the state legislature it needs to be allowed in 1 agriculture zone. He asks if there are any concerns from the Planning Commissioners regarding this issue. There are none. He adds that this will be a vacuum in the market and it will likely expand quickly. They agree that it should be listed as a permitted use in the M-3 zone and the A-3 zone. Mr. Ewert states that standards will be added, any restrictions need to be reasonable.

WS3: A discussion and review regarding subdivision code amendments.

Commissioners agree they don't want shared private lanes and flag lots in Western Weber County.

WS:4 A discussion and review regarding the proposed land use table.-Postponed

Meeting Adjourned - 8:02 pm

Respectfully submitted,

-Marta Borchert