Minutes of the Western Weber Planning Commission meeting of February 11, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present	**Bren Edwards**
	Andrew Favero
	Greg Bell
	Wayne Andreotti
	Gene Atkinson
Members Excused	**John Parke**
	Jannette Borklund

Staff Present: Rick Grover, Planning Director; Steve Burton, Principle Planner; Tammy Aydelotte, Planner; Matt Wilson, Legal Counsel; Marta Borchert, Secretary

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

1. Training: Frontier Development Application Processing Portal
Daniel Stringham gives an overview of Frontier the new program replacing Miradi.

Chair Edwards thanks Mr. Stringham for the walking everyone through Frontier.

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

2. Minutes for June 11, 2019 meeting. Minutes for June 11, 2019, were approved as presented.

3.1 SPE 0123-20: Discussion and action on a conceptual sketch plan endorsement request for Sunset Meadows Cluster Subdivision.

Director Grover states that this is a conceptual sketch plan. Planning Commission is welcome to ask questions of staff and the applicant. Steven Burton will give a quick overview. The applicant is also present for this meeting to address any questions. He adds that they just want to get a comfort level regarding the sketch plan. As part of a cluster subdivision, a sketch plan endorsement is required, before preliminary approval. This is an administrative item public comment is not required.

Steve Burton states that this is a sketch plan endorsement for a cluster subdivision. It is located at 1800 S and 4300 W in Western Weber. The proposal includes a base density of 104 lots, this translates to 95 acres. The 95 acres is based on A-1 zoning. The design of the cluster is meant to have open space in one area and lots in the other area. The requested bonus density would be 50%. The total lot count that is being proposed is 156. Based on the conceptual review, staff has determined that it meets the intent of the cluster ordinance. If the proposal is brought back to the Planning Commission the applicant needs to demonstrate that proposal complies with the requirements of the cluster subdivision code and other applicable ordinances.

Mr. Burton states there is a subdivision to the west with some long narrow lots it is phase 1 of Sunset Equestrian, which was designed under an old cluster ordinance. Phase 1 one did record. Outside of that, this is essentially a new subdivision.

Chair Edwards asks if there are any questions.

Commissioner Bell asks Mr. Burton to explain the bonus density. Mr. Burton states that the bonus density section of the cluster code states that they can only get up to 50% bonus density. This depends on the amount of acreage that they have. If there is a piece of land that is at least 50 acres. It is based on what it set aside for preservation. The ordinance requires street trees and some pathway, but they don't get additional bonus density for it and it maxes out at 50%.

Chair Edwards states that he would like to hear from the applicant.

Jessica Prestwich 470 N 2450: states that they have met with Mr. Burton several times to make sure they follow the County's new ordinances. They would like to start over. She states that they would like to get feedback from the Planning Commission.

Commissioner Bell states that there is some narrow open spaces sliver on the East and Westside. Who maintains those? Mr. Burton states that the idea for those slivers was to show them as easements. There would be an easement on one of those lots for the pathways. If it were open space, they would need an HOA. Commissioner Bell asks they are going to have access to farm equipment for the open space. Will it be accessed off 1800? Ms. Prestwich states that they do not have a solid plan yet on either farming or leasing it out for grazing. Once the proposal is submitted for preliminary that information will be in the preservation plan. Commissioner Bell states the Planning Commission would like to see studies showing that that open space parcel is the best portion of land for farming. Ms. Prestwich states that a study will be done on the land, to find the best farmland and that area will be preserved. Commissioner Atkinson states that they would like to make sure the best land is kept farmable. Director Grover asks if the study comes back saying that the proposed open space is not good farmland are they willing to switch the development around. Ms. Prestwich states that they are willing to redo the plat map. Commissioner Bell asks if they would need to see a different conceptual plan if this were the case. Director Grover states that there would be another sketch plan endorsement presented to the Planning Commission. He notes that if the area is viable farmland will be farmable with all the ins and outs. The square of open space on the current plat is contiguous. This will be looked at when they get to that stage.

Commissioner Atkinson asks if they have a park concept planned. Ms. Prestwich states that it not currently part of the plan because they don't want to have an HOA. She adds that if the city wants to take it they might be open to it. Chair Edwards states that there is a park district in the area that could look at some areas for the park. Director Grover states that staff can give Ms. Prestwich the contact information the Western Weber Park District.

Chair Edwards states that they will take some public comments. He reminds the public that this conceptual sketch plan and the item is not up for approval. It is a possible layout nothing is set in stone at this point.

Chair Edwards opens the public comment.

Eric Page 1891 S 4150 W: states that one of his concerns is the number of lots being shoved into a 40-acre spot. He states that the area is rural and the lots being proposed are quarter-acre lots or less. He asks how this will affect other surrounding properties with bigger acreage. He states that he proposes that half-acre lots be butted up against the already established rural properties. He asks if the farmland is grazable or useable. He states that it is overgrown. He asks if that is being looked at. He asks if there are going to be homes built in this area, and will the new owners be notified of this issue. In the code under maintenance and preservation regarding the farmland, how will it be maintained and kept viable? There is concern regarding preservation and maintenance. He states that there is concern regarding the water share rights in rural properties. What is the plan if they are not going to pipe to bring secondary water.

Tom Favero 1295 N 4700 W: states that his main operation has been in the Taylor area all his life. The portion of the land that is being reserved for farming is probably just as good as the other land. There probably is no need to make another plan. He adds that the previous farm ran out if the money because the ground wasn't very good. There are good spots and a bad spot in every area there. He states that there should not be anymore grazing there. He operates the land that is on the west side of 4300. The people that have been using that land for grazing have not placed adequate fencing, and he is tired of chasing cattle. They have caused him enough grief than if he operated the ground. Grazing should not be an option for that land, and the rest of the community suffers by that land being grazed. He states that he is interested in operating the ground if they still have the water shares. He adds that he

has all the equipment to get it where it needs to be. Commission Bell asks is he has access to get to that land. Mr. Favero states that 1800 should be an adequate road.

Chair Edwards asks if there are any more questions. There are none.

Chair Edwards closes the public comment.

Mr. Burton states that there were some great comments. Regarding the question about whether or not the first phase that was plated needs to be redesigned. No, it does not need to be changed. It plated and recorded and they are lots. Some of the lots may have sold. People have rights to those as they are. Nothing in the ordinance requires the lots to be replated. The second question was regarding how the land is going to be preserved and what it will be used for. He states that this is something that will be looked at when a preliminary plan is submitted. The third question was regarding irrigation. He states that when the plan gets submitted there are different items that are required such as feasibility letters, and improvement plans that will address these concerns.

Commissioner Andreotti asks regarding drainage plans. Mr. Burton states that they will provide that with the improvement plans. They will need to pay an engineer to have that all designed.

Chair Edwards states that since this item is just conceptual there is no need for a motion.

3.2 AAE 2019-04: Consideration and action on an alternative access request to use a private access easement as the primary access for the rear lot of a future two lot subdivision.

Director Grover states that administrative items are typically reviewed by the Planning Director. He states that he reviewed this item previously they have submitted some additional information and he does not feel comfortable reviewing it again. He states that at this point he wants the Planning Commission to be able to review it to see if it is or is not meeting code. Ms. Aydelotte is the Planner that has been reviewing the project. She will orient the Planning Commission. The applicant William and Jana Colvell.

Tammy Aydelotte states that she would like to give the Planning Commission some background regarding this item. Typically this is requested when a lot does not front the main road or have the typical frontage. The applicants would at some point like to apply for a 2 lot subdivision, they are first requesting approval on an access exception. She states that there are a couple of things to note. First, it is not required that the request for the access exception be run concurrently with subdivision. They have 18 months to act on the approval. During that time they can apply for a subdivision if they wish based on what was approved by Weber County, or they can run it concurrently. The other thing to note is that the burden is on the applicant to show why it would be impractical or infeasible to extend a road to serve such a lot. This lot is a little over 2 acres it is located in the A-1 Zone. It is located at approximately 4000 N 3175 W. She states that as Director Grover noted this item has before Planning Staff before and there is no requirement to notice for access exceptions but as a courtesy, all property owners within 500 ft have been notified. When it was brought back before the Planning Staff they were asked for a more substantial argument as to why an access exception should be approved. They pointed out a couple of things. It is important to look for connectivity where ever possible and in this situation, there is development to the East that would prohibit that. There are homes there, that will not allow for a road to be connected there. The conditions of the road within the subdivision are all private roads. There are substandard dirt roads. The engineer thought it was impractical to require a county standard road within this subdivision. It has been mentioned before that there is a canal that runs along the eastern boundary, it doesn't necessarily prohibit development.

William Covell 3502 N 3900 W states that they want to subdivide their area and follow all the rules and regulations to make that feasible.

Chair Edwards asks if there are any questions for the applicant. There are none.

Ms. Aydelotte states that staff recommends approval of the access exception based on the findings listed in the staff report. Chair Edwards asks why the Fire District hasn't approved the proposal. Ms. Aydelotte states that the Fire District didn't want to give much feedback until a subdivision was proposed, at that point they will give much more detailed feedback. Commissioner Bell asks what type of road 3171 is. Ms. Aydelotte notes that 3171 is a private road. Commissioner Favero asks if it will need to be brought up to the County standard for equipment. Ms. Aydelotte states that it doesn't for private roads as long as it can hold a 75,000-pound fire apparatus. She notes that the grade is flat in that area.

Chair Edwards opens the meeting for public comment.

Derek Kennedy 3932 N 3175 W states that he is part of the Home Owners Association. Along this road, there are eight original parcels. They were known as the Hickley Farms in 1981. He states that this was a planned community and has an HOA. He does not understand why the applicant is going to the County for an access easement on a private road. The waterline was put in by the HOA, not by the Bona Vista. Regarding the original landowner's agreement, it said that the land could be divided once so they could have 2 ½ acres with 150 ft of frontage. He states that the increased density that was not anticipated. The water line was designed to maintain a certain amount of lots. At what point is the burden of increased density going to be put on the landowners? He states that the community feels that the County is not listening to them as a community and an HOA. The increased bonus density puts a burden on all of the landowners.

Elwood Powell 4834 Vanburen states that he has two 5 acre lots in that area. 3175 W is a private street. He states that to get some lots approved they had to dedicate a 60 ft right of way to the County. It was to be developed and paved when the additional property was added. They have an obligation to make sure that whatever is put in meets all of the specifications and requirements and meets all the requirements to hook into a regular County road.

Kristen Zaugg 3944 N 3175 W states that she lives near the area in question. She notes that they filed and an appeal in October on behalf of the Association. She asks why that paperwork was not filed along with this proposal. The appeal was upheld and it was granted. She references Utah code 10-9a-708. Final decision. She states that she does not understand why the issue is being brought up again. The Planning Department was contacted several times regarding the issue, the approval was granted against County code and the 150 ft required frontage. The Covell property has the frontage now there is no need for an easement to access the back part of the property. In Utah code 10-9a-702 it is their responsibility to prove all the conditions justifying the reasons they are asking for the access and that every single one of the circumstances has to be proven. There is no reason that they need the access. It was approved to have 2 lots per 5 acres. When it was divided in half did have an adequate 150 ft frontage. There was no need to divide them into any more than 2 lots to keep the regulation that was required by Weber County in an A-1 zone.

Wendell Wineger 5190 W 2700 N states that when they petitioned to put it into a subdivision they went to several different areas to survey subdivisions and bring back the information and the dedication for them to accept and pass a 5-acre farm subdivision with 32 units. The agreement was that when it got 26 percent filled, the requirement would be for asphalt to be put in. Before that, the power and water were put in by the landowners at that time. The sewer is not in yet. They are 5-acre farm subdivision lots. Moving forward there are several problems that they might encounter. One of them is sewage. The septic tanks won't support it with the water levels the way they are. He adds that they spent many years planning the subdivision plan together with many people, and to see it torn apart and subdivided is not what it was set up for. They need to go back and look at the minutes from 2000 to 2001. It was put in and guaranteed to be retained as a farm subdivision.

Chair Edwards closes the public comments.

Commissioner Favero asks what the appeal constituted. Mr. Wilson states that they found that there were inefficient findings on the record. They denied the access at that point but allowed them to supplement the findings be allowed to be brought back. Commissioner Bell asks if the HOA has any authority over the zoning of the area. Mr. Wilson states that they may but it does not take any authority out from the County. Whether it is private property or not the laws and ordinances of the County and the States still apply. Commissioner Bell asks what if an HOA had CC&R that said there was a requirement of a minimum of 5 acres but A-1 zone allows 1 acre. Mr. Wilson states that the County can approve it but the County does not enforce the HOA's CC&Rs. It is up to the

HOA to enforce their own CC&R's. The HOA does not supersede and the County does not supersede. Commissioner Favero asks if the A-1 zoning supersedes what the HOA might have in the CC&R's. Mr. Wilson states that this is correct because the applicant is vested in that.

Ms. Aydelotte states that she would like to mention that the staff has requested a copy of the recorded document that does limit further subdivision and that has not been provided. Staff has looked through the abstracts of every lot within the subdivision and it hasn't been found.

Commissioner Bell asks that if the request is for a private access easement off of private roads why is the County getting involved. He asks where the County's authority lies. Director Grover states that typically subdivision is required to have a certain amount of frontage and if they don't have the frontage this is the provision that is in the code that allows them to be able to subdivide the land with the access exception if they meet certain requirements.

MOTION: Commissioner Bell moves to approve the request for an alternative access request to use a private access easement as the primary access for the rear lot of a two-lot subdivision, subject to the following conditions: That approval is based on the concept layout listed as Exhibit C of August 21, 2019 staff report. 2. That this approval offers no explicit or implicit rights of access along any connected private streets, roads or rights of way serving access to the property. This recommendation is based on the following findings: 1 Based on substantial evidence, it has been found that it is impractical to require installation of the county standard right of way to serve such lot/parcel property boundary conditions which limit typical access requirements in a unique way. Due to the existing development to the east of the proposed subdivision road connectivity is not feasible. The County Engineer has determined that it is impractical to run private or public to run along the southern boundary of the existing lot. Per 106-2-1 the arrangement of streets in a new subdivision shall make provisions for the continuation of existing streets in adjoining areas or their proper protection where adjoining land is not subdivided. Planning feels there is substantial evidence and reason for the recommendation. This recommendation is conditioned on the Fire Districts' approval. Commissioner Andreotti seconds. Motion carries (4-0)

CUP 2020-01: Consideration and action for a conditional use request for Halcyon, a Planned Residential Unit Development consisting of 39 residential units, and a 10.0-acre open space parcel.

Director Grover states that preliminary approval was previously granted to the applicant on this site. The applicant has come back is and is presenting a new proposal.

Tammy Aydelotte states that this a request for approval on a conditional use permit. It is located in the A-1 Zone. There were originally 2 phases to this development when it was brought before the Planning Commission. Phase 1 was plated in October 2019. It is a lot averaged subdivision and the second phase would be as well. The PRUD includes 2 phases. When they submit for subdivision, they are going to vacate the previously platted subdivision and included it with this as one phase. They are requesting a 30 percent bonus density with the base density they are allowed 30 lots. They are looking to dedicate 30 percent of the gross acreage towards open space, with that they are not allowed any more than 30 percent. They are getting 20 percent based on the landscaping plan and the dedication of 15 acres with a conservation easement and agricultural easement. This gives them 35 percent but they cannot acquire more than 30 percent. This would give them 9 additional lots. Phase 1 was already platted. The PRUD does allow for some flexibility with a lot averaging subdivision it allows for various sizes within the subdivision as long as the average size meets the minimum for the zone that it is in and the average width meets the minimum for the zone that it is in. With these being located in an A- 1 zone as long as they average out in both phases to 40,000 sq. ft. and 150 ft of lot width they would meet the requirement for a lot averaging subdivision.

Chair Edwards asks if their first phase is going to go away. On the conceptual plan, the landscaping only applies to the new section why won't it apply to the previous plan. Ms. Aydelotte states that Mr. Burton was involved with the approval planning of the first phase.

Mr. Burton states that there has been some confusion the concept of lot averaging and PRUD seem to be getting mixed up. He states that originally it was going to be a lot averaging subdivision with around 24 lots. The first phase was plated and it did not include the lake or the lots that were going to be off in the private drive. The first phase was plated and it was under the normal zoning requirements. If they are not going to go forward with the rest of the lot average subdivision the remaining lot need to exist with the smaller width. They are proposing to include it as the overall PRUD. Chair Edwards states the bonus density was because of the treescapes, they got 20 percent bonus density. The first phase does not show any of that if they are going to use the first phase as lot averaging or to make the lots smaller it should apply in the first phase. Mr. Burton states that it is a good question for the applicant. Chair Edwards states that if they are going to use the space for density that area should be encumbered in the same landscape plans for the first part as well. Commissioner Bell asks if this is a Cluster or a lot averaging, or a PRUD. He asks how can one phase be one type of subdivision and the second phase be a different type. Mr. Burton states that overall it will be considered a PRUD. For that to happen they would need to vacate those lots with a subdivision plat. This will come before the Planning Commission for approval when it gets platted. What the applicant is requesting at this point is a conditional use permit to be able to submit a PRUD subdivision. This will be a PRUD subdivision. Director Grover states that there two types of clustering type developments. In the Western Weber area Cluster code and PRUD. They have chosen the PRUD and it requires a conditional use permit. Commissioner Bell asks why they are allowed to have two different types of subdivisions in the same plat. Director Grover states that there are different requirements for the different for the Cluster and the PRUD. The calculations that Ms. Aydelotte is showing the requirements for the PRUD. Chair Edwards asks if when they vacate it all becomes one. What they do on one side they should do to the other. Commissioner Bell states that if the PRUD covers the first phase they should also have that same plan.

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

Tyler Brenchley 1064 Spyglass Hill states that this vacating lot averaging that does not exist anymore. This is a complete PRUD. Phase Phase 1 will meet all of the standards of phase 2. Commissioner Bell asks if they have developed on some the phase 1 lots. Mr. Brenchley states that they have sold some of the lots in Phase 1. There are 14 lots in the first 12 acres. The rest has been adjusted to the new plat, the lake subdivision is not happening.

Chair Edwards asks if moving forward will they need to put curb and gutter in through the whole first phase. Ms. Aydelotte states that to have platted they have either bonded for it or installed for it. Chair Edwards states that it was his understanding that when the first phase was approved all the roads were existing except for the cul-de-sac to the north. There was no curb and gutters installed with that. Mr. Burton states that there does not need to be curb and gutter, the cluster ordinance is specific about providing pedestrian access and street trees. He states that he believes that this can easily be done phased with the larger lots. There is no requirement for curb and gutter. Ms. Aydelotte states that noted in the plan the applicant is proposing sidewalk, curb, and gutter in both phases. The developer will maintain ownership of the open space and lease the land out to some local farmers.

Commissioner Bell asks how are they planning on getting the farm equipment there to take care of the 10 acres. He states that it is large farm equipment and access is a concern that needs to be addressed. Ms. Aydelotte states that this a good question for the applicant. Chair Edwards states that this not phased it is a PRUD. He states that he would like to see this item come back to the Planning Commission as one drawing. It looks too much like phase 1 and phase 2. Commissioner Bell asks if the applicant is asking for approval of the subdivision the request is for a conditional use permit. He states that whether or not the layout meets the requirement that is not necessarily what they are looking at. Chair Edward notes that his concern is based on the applicant getting a bonus density off of the conditional use permit without a proper look at the overall layout. Mr. Burton states that he has a visual for them so that they can get an idea of what those lots entail. There will be enough area within that right of way to install some kind of a pathway. Chair Edwards states that it is his understanding that what is being approved is the amenities. Mr. Burton states that this is correct, the amenity will be the pathway and trees. It is not something like a park that needs to show more detail. Commissioner Atkinson asks when the developer intends to do the expansion. He asks if they have anything that they might like to add regarding the expansion and the access to the farmland. Mr. Brenchley states that if they get the CUP they are looking at requesting preliminary approval at the March 10, 2020 meeting. The full plat is there. He adds that the drawing of the placement of the amenities will be presented at that time. Bruce Ward states that the access to the entire property is off of 1800 S. Almost the entire parcel is being farmed. The reason to put the 10 acres up in the back corner is that it creates the least amount of disruption to the property for irrigation as well as the neighboring properties. With agricultural property, the way it is essentially the flood irrigation property can stay the way that

it is for all the neighbors. The code allows for the 10 acres to be bought and sold over the years. I can be owned by anyone. With that in mind, it makes sense to have public access. There was a question regarding whether 4130 W is a hint of future development, he states he is not sure what will happen in the future. An easement would be required, there are no plans for development, but it does need public access. It being public access it would just be installed per County code. He notes that he lives in a similar situation and the farm equipment shows up four times a year. There should be adequate access for the farm equipment 36 ft should be more than adequate.

Chair Edwards opens the public comment. There are no public comments

Commissioner Bell states that the bonus density for the 10 acres based on phase 2 the density of the homes and the open space. It doesn't necessarily have anything to do with phase 1. Ms. Aydelotte states that phase 1 contributes to the overall gross acreage of which they are dedicating 30 percent. Chair Edwards stated that the larger lots from phase 1 make it so they can have smaller lots within the PRUD. Ms. Aydelotte states that the entire acreage from phases 1 and 2 is a little over 31 acres they are dedicating 10 acres of that as open space.

Commissioner Bell states that he has expressed concern regarding the farm equipment. He states that he does not want to defer curb and gutter and sidewalk especially if the main access for that equipment is coming up 4150 W and over to 4130 W to get to the 10 acres. He states that the children need to have a safe place to walk on the side of the road.

Commissioner Andreotti asks regarding the fencing. Commissioner Bell states that he understands a higher density around the property. Mr. Ward state that with any joint responsibility, there is agriculture everywhere. The homeowners will have every opportunity to build fencing.

Chair Edwards asks if there is a fencing requirement in County Code. Ms. Aydelotte states that the fencing requirement goes into play if there is an open canal or ditch within 600 ft. if this is the case staff would require fencing within the fencing boundary. Chair Edwards asks if this is within the PRUD code. Ms. Aydelotte states that it is within the subdivision standards.

MOTION: Commissioner Bell moves to recommend approval for a conditional use request for Halcyon, a Planned Residential Unit Development consisting of 39 residential units, and a 10.0-acre open space parcel used for agricultural purposes. 1. The following setback standard shall be added to the final subdivision plats for review and approval: Front – 20', side – 8', rear – 20', corner lot with a side facing a street – 20'. 2. Sidewalk, curb, and gutter will be installed within the subdivision and along 1800 South.
This recommendation is based on the following findings: 1. The proposed PRUD conforms to the West Central Weber County General Plan. 2. The PRUD is intended to allow for more flexibility of residential building sites.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conceptual drawings. 4. Up to a 30 percent bonus density may be granted based on the following: a. If the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent; however, overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The proposal dedicates 10 acres of open space which is 30% of the adjusted gross acreage; therefore qualifying for up to the 30 percent bonus density. 5. The proposal will not be detrimental to the public health, safety, or welfare. 6. The proposal will not deteriorate the environment of the general area to negatively impact surrounding properties and uses. With the added condition that sidewalk curb and gutter will be installed within the second phase and along 1800 S. Commissioner Atkinson seconds (4-0).

4. Elections for Chair and Vice-Chair for 2020.
MOTION: Commissioner Andreotti nominates Chair Edwards for a second year. Commissioner Andreotti seconds. Motion carries (4-0).

MOTION: Commissioner Atkinson nominates Commission Bell for Vice-Chair. Commissioner Andreotti seconds. Motion carries (4-0).

5. Meeting Schedule: Approval of the 2020 Meeting Schedule.
MOTION: Commissioner Atkinson moves to approve the meeting schedule for 2020 as presented.

6. Approval of the 2020 Planning Commission Rules of Order. Chair Edwards asks if there were any significant changes from the previous years. Director Grover states with the Ogden Valley Planning Commission added a provision to be able to approve minutes via email in case there are no items on the agenda. He states that if the Planning Commissioners would like add that the language it can be transferred and added to Western Weber. Commissioner Bell states that he likes the idea of being able to approve minutes via email.

MOTION: Commissioner Bell moves to approve the Rules of Order for 2020 with the requested modification that a provision is added for meeting minutes to have the ability to be reviewed and approved via email. Commissioner Andreotti seconds. Motion carries (4-0)

7. **Update on the incorporation in West Weber.** Chair Edward states that this is just an update it is not open to public comment. He states that if there are questions the public may direct them to staff. Matt Wilson states that the public is allowed to make comments during the *public comments for items, not on the agenda* portion. He states that he reached out to the Lieutenant Governor's Office. The incorporation issue will be on the November ballot. The question on the ballot will be whether that area should incorporate. He adds that he asked about the potential annexation and they have refused to issue an opinion. At this point, they don't feel it is right to issue an official opinion. If a petition goes through they must certify those petitions. If a petition goes through and is certified they will issue a statement in writing. He adds that he spoke to some representatives from Plain City they have amended their declaration for annexation including a large portion of the area that is proposed for incorporation. They have adopted a resolution to review any petitions for annexation that they received and it was unclear whether they received any petitions that meet the code for them to that review. There is some pending legislation to provide border protection, once the feasibility study is filed no other city can annex even if its part of the declaration plan. Commissioner Bell asks if Mr. Wilson has reached out to West Haven City regarding any plans for annexation. Mr. Wilson states that he is not aware if they have amended their declaration. They have sent out a letter inviting a response from citizens in Unincorporated Weber County as to whether they would accept annexation into West Haven. Mr. Wilson notes he has not reached out to them.

Commissioner Atkinson states that he would like to note that the County is not the sponsor for the petition to incorporate. He states that as a body they are neutral. Mr. Wilson states that the County is not involved, any in involvement by the County would be through the County Commission. Commissioner Bell states that he would like to note that as a private citizen he is one of the sponsors.

8. Training: Open and Public Meetings Act: Commissioner Bell moves to postpone the open meetings act training to a future meeting**.** Commissioner Andreotti seconds. Motion carries (4-0)

9. Public Comment for Items not on the Agenda: Chair Edwards states that for anyone who wants to comment on the incorporation issue, they need to keep in mind that the Planning Commission does not influence this issue. The next stage for this issue is the election in November. He adds that if the public wants to speak they need to address the Planning Commission, not the audience.

Tom Favero 1295 N 4700 W states that he has a farm in Taylor the family has been there for 125 years. There has not been enough public discussion, there is not enough information on this issue to move forward. How do you vote for a new city when you don't know what the zoning will be or what the plan is? They don't know where the money will come from. There is no industrial or commercial. It is going to be a burden on the residents. He believes the cost will be higher than the feasibility study showed. The community is divided. He states the there is no clear plan. There is no tax base in the city. If Warren and West Warren go to Plain City Weber County has built a nice road for Plain City. There should be a pause on any votes. There needs to be more information before moving forward. The best fit is to stay with Unincorporated Weber County. It suits the farming, and the residents better. It won't develop out as fast as if it becomes a city. He states that some of the residents feel that once they become a city they will be able to ward off any major developments. Once you become a city you will have to act like a city. There will need to be low-income-affordable housing.

John Degiorgio 5806 W 1600 S states that he owns some land in Taylor and West Weber. He states that he is operating a farm established in 1908. He asks if this can't be discussed at the Planning Commission meeting who can they discuss it with. He would like to get more information. He states that he has a lot of questions. He asks what the game plan is for the new city. The main concern is stopping development, but they can't stop development. The best option is to stay with Unincorporated Weber County. They can annex into Plain City or West Haven as the time comes. Once West Weber becomes a part of a city they will need to abide by city ordinances. Cities and agriculture don't mix.

John Price 646 S 7900 W states that there are some resident who don't want their ground in the new city. There are several landowners in the area who want nothing to do with the new city. Is there a way to opt-out?

Brad Blanch 736 S 4700 W states that when you look at the road numbers those numbers were short. He states that he appreciates the study done by Zions Bank but it seems to be short-sided. He notes that the Planning office completed the report of a substandard road in May of last year. He states that he would love to see some action be taken on the substandard roads report.

Lance Peterson 3831 W 2150 S states that he can appreciate has been stated. He is proud to live in Taylor and West Weber Unincorporated. He asks what other options are available. He states that the sheriff numbers came straight from Sheriff Arbon. He states that he has met with the sponsors and has discussions with them, not one of the sponsor wants to be the Mayor or part of the Council. They stated that they do not have the skills. He states regarding the question about the cost, people from Zions Bank say it's feasible. The sponsors have not said they want to stop development. They want to be able to do it smartly. He states that they are proud to live in Taylor and West Weber. There are four very unique communities, they should be able to come together instead of being divided. There will be a planning meeting on the 3rd Thursday of March to have the community come together to share their opinions. He states that he can't vote for something if he doesn't know what he is voting for. If the community wants to get involved and learn what is happening they should start meeting. The meeting will be held at West Weber Elementry. He states that they do not feel that their opinion matters more than someone who moved out there in the last year.

Commissioner Bell recuses himself from the rest of the meeting to comment as a private citizen.

Greg Bell 4023 W 2100 S states that he is a sponsor for this petition and part of the reason is that he feels it is the best way to preserve what the citizens if Western Weber County need for their future. It was explained to him that the only reason to incorporate would be to provide the services that they are currently not getting or to provide benefits that they are currently not getting. He states that with all due respect the only representation that the people in Western Weber are getting is the Planning Commission and the only authority the Planning Commission has is to make recommendations to the County Commission. He states that they have seen it happen time and time again the County Commission doesn't uphold their decisions as the Planning Commission. He states that he feels that they have no control. If they are going to continue to raise their taxes why not collect the taxes as a city and have so that they can have some control. He states that he has been living in Taylor for seven years and he has not seen any road repair. He states that he trusts the feasibility study they have been doing it for that sort of work for years. The point of incorporation is to bring the community together rather than letting two County Commissioners who live outside of city boundaries decide.

Anna Giordano 7852 W 900 S asks if Plain City annexes in does it change the feasibility study? Would they have to do a new feasibility study?

Lewis Petterson 4114 W 1400 S states that based on what he has seen, he likes what Weber County has done. He would like to remain a part of Unincorporated Weber County.

Chair Edwards closes the public comment.

Mr. Wilson states that if they want more information they can contact the Lieutenant Governors Office. He states that the County is not that involved in that matter. Statue does not allow for the County to get involved. He notes that they can contact the sponsors of the incorporation petition to more information. He states that Mr. Greg Bell as a private citizen is a sponsor they can get in contact with him and he may share contact information for other sponsors. This information is also available through the Lieutenant Governor's office.
Mr. Wilson states that regarding Mr. Price's question about opting out. It is his understanding that the time has passed for this. Some landowners were able to opt because they meet certain requirements for opting out. It is a question for the Lieutenant Governors Office but he believes that there wasn't anyone who was able to successfully opt-out.

Mr. Wilson states that regarding Ms. Giordano's question if it is annexed, it is his opinion that it would change it completely. There was a feasibility study and a petition that is based on those numbers. It could be invalidated but it is up to the Lieutenant Governor's Office. The Lieutenant Governors office would have to make that determination.

Director Grover states that regarding the comment made by Mr. Blanch concerning the substandard road agreement. This is something that the Commission asked staff to look at. Staff ranked substandard roads within the County. They are using that with the road funds to determine where the roads should be placed. He notes that currently, they are working with Wolf Creek concerning Fairways. There is supposed to be a connection from North Ogden divide over to Wolf Creek. A portion of that is connected but if it was full connected people wouldn't have to travel by Maverick to get to Powder Mountain. That was one of the high priorities for the developer and the County is working with them on that.

10. Remarks from the Planning Commissioners: Chair Edwards states that he would like to thank the people who showed up and commented. He reiterates that when it comes to the annexation and the incorporation of Planning Commissioners have no input as individuals they are voting members just like the public. It will come down to the November vote. It seems that the committee is going to have some public meetings, this is the opportunity for the community to get involved. He states that one thing that he has noticed in the last two years is that there is has been times when they are voting on something and there is nobody in the audience it is important for the community to show up and give their opinion. It's hard for the Planning Commission to weigh in when they don't know some of those areas.

11. Planning Directors Report: there is none.
12. Remarks from Legal Counsel: there is none.
13. Adjourn: 7:30pm