

Minutes of the Ogden Valley Planning Commission Regular meeting April 28, 2015 in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Laura Warburton, Chair; Ann Miller, John Howell, Greg Graves, Will Haymond, Pen Hollist

**Absent/Excused:** Kevin Parson

**Staff Present:** Sean Wilkinson, Planning Director; Charlie Ewert, Principal Planner; Ben Hatfield, Planner; Brett Peterson, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call:***

**1. Minutes: Approval of the March 24, 2015 Meeting Minutes**

Chair Warburton moved to approve the meeting minutes as written.

**2. Administrative Items:**

**a. New Business**

**1. UVE030515: Consideration and action for approval of Edgewater Beach Resort PRUD Phase 2 (20 Lots) within the Commercial Valley Resort Recreation-1 (CVR-1) Zone located at approximately 6350 East Highway 39 (Chad Bessinger agent for HWL Edgewater)**

Ben Hatfield said the applicant has requested final approval of Edgewater Beach Phase 2, which received approval of the PRUD back in 2012, and Phase 1 was recorded in September 2014. Phase 2 consists of three storage barns across the frontage, and twenty building pads which will have one triplex, some duplexes, and the rest will be single family dwellings. It also has recreational areas for volleyball, horseshoe, and bocce ball that will be constructed along with a number of trails, parking, and public streets. There were some minor changes that were proposed. The change was due to the house design of the floor plan that was modified for the deck and some of the layouts inside the home. This required the pads to be slightly larger, and they have moved Lot 16 to the other side of the street, and modified the location of dumpster. Included in the plans is the new design of the house; it is a rock wall design that still matches the architectural style, materials, and the intent of what was approved in the PRUD. In staff's review, they noticed a couple of differences in their proposed landscaping plan with the location of the trees; the counts of some of the trees were off, and he sent list to the developer to modify before the final landscaping plan is approved. They noticed that they didn't have any shrubs shown in the plan. There is grass shown, but they noticed that some of the home sites didn't have flowers or shrubs and they may want to add them. Staff is recommending final approval with the approval of the referring agencies recommendations.

Commissioner Hollist referenced the canal that goes east to west and asked how that canal is treated if it's piped. Mr. Hatfield replied that they have modified the location of the canal; it goes outside the building pads on Walker Drive, and it is piped.

Wayne Reeve, GS Capitol, who represents the land development side; introduced David Vitech representing the home building side, and John Reeve with Reeve Engineering, who will be calling if needed.

**MOTION:** Commissioner Hollist moved for final approval of UVE030515 Edgewater Beach Resort PRUD Phase 2 (20 Lots) within the Commercial Valley Resort Recreation-1 (CVR-1) Zone located at approximately 6350 East Highway 39 with the conditions noted in the staff report being satisfied, to include the compliance of the original PRUD landscaping plan, including the caliper and number of trees, shrubs, etc. Commissioner Miller seconded.

**DISCUSSION:** Director Wilkinson said as part of this, they need to have a discussion about the phasing plan. It was brought to this commission a month ago, they have some direction, and now would be the right time to formally take action on that. Do they have any proposed amendments to that phasing plan as far as when the commercial buildings will be constructed, etc. Commissioner Graves said the commercial development is proposed to go in as part of Phase 4 or the last phase. Commissioner Haymond said that he would like to see it built sooner than later, but whatever is successful for the project. The reason is that it's right along the frontage and as they drive into the development, it would seem like that would be the first place to finish off and lease it out but that is just a personal preference. Commissioner

Hollist asked if it was appropriate to ask the applicant as to what is the thinking on that commercial space. Chair Warburton then asked for one of the representatives to answer Commissioner Hollist's question.

Wayne Reeve said that he agreed with Commissioner Hammond, that it would look better, and they could go in and develop that commercial right now. It is in their best interest to develop, but it is not financially feasible to find renters, and anything they would do right now would most likely leave a building vacant for many years. They didn't know how fast they could get some tenants, but they know that if they wait until Phase 4, it's guaranteed that Weber County holds all the control, to ensure that it happens at that time. It would be much easier for them to find tenants at that point. They have activity going on, and commercial is driven by house tops, and the activity within the development will indicate what they can do in that area.

Commissioner Haymond asked if there was a bond. Director Wilkinson replied yes, but the bond does not include those buildings; the bond is towards the landscaping, the roads, the infrastructure, and those types of things. It does not include the actual structures. Commissioner Haymond asked if it could since the bond is tied to the landscaping that would be complete with Phase 4. Brett Peterson, Legal Counsel, replied that he would have to read the actual language of the bond, but he would say no, that they couldn't tie the bond with the completion of Phase 4 into a landscaping bond or a road bond. Director Wilkinson said what was proposed earlier, is that prior to final occupancy of any of the units that are part of Phase 4, the commercial buildings would have to be in, and that would be an adequate control measure that the Planning Commission could hold. Mr. Peterson said that he has never seen a bond used as occupancy, but that would be a good control typically set for this type of scenario. Mr. Reeve said for clarification, holding their occupancy to Phase 4 to make sure that it's commercial is tied to a bond, not a separate bond. It is in their best interest to make sure that even if they don't get a return on commercial at that point, to finish it because they need occupancy. Commissioner Haymond asked what happens if they sell. Mr. Reeve replied that all the entitlements would travel with the land.

Chair Warburton asked the time frame for the whole development. David Vitech, President of Jack Fisher Group, said that they can't project absorption, but they anticipate having a minimum of 18 sales a year, so conservatively about four years. Commissioner Graves asked how large the landscaping plan is in Phase 4 and are no shrubs planned in this plan? Mr. Reeve replied that they will be looking at that, and he is not sure about the landscape issue, but he will review the plan. Mr. Vitech added from a landscaping, it's clearly not on the plan, from their perspective; it is in their best interest to make sure that the community is landscaped in a very colorful and well done way to increase their absorption. It is their intention to correct anything that is not done properly related to the landscape plan, and that they are making the community as beautiful as they can. Chair Warburton asked if this was low maintenance and low water usage. Mr. Vitech replied that what they will look at is the placement of the plants so they don't get direct sunlight and stress due to heat and drying out. The shrubs they will bring in will not necessarily be low water maintenance, but the placement of them will work with their landscape architecture to minimize the water. Commissioner Graves said the shrubs they have on the list are not bad choices.

**VOTE:** A vote was taken with Commissioner Miller, Hollist, Howell, Graves, Parson, and Chair Warburton voting aye. Motion Carried (6-0).

3. **Public Comment for Items not on the Agenda:** There were no public comments.
4. **Remarks from Planning Commissioners:** Commissioner Graves asked what is going on with the wall in the canyon. Brett Peterson replied that basically there are two main issues; the wall encroached on the right-of-way, it was outside of code requirements as far as height. There was also a potential encroachment issue with a sliver of it being on county land, the furthest west piece of the wall that it's in county property. Weber County has filed a complaint for that, and they have come back and filed a motion for a summary judgment, which was premature on their part. After a lot of research, the sliver of land that currently appears to be county land, he didn't think it is and the County Surveyor agrees that this could be a mapping error; there is a good chance that it belongs to Mr. Perry. He went to Mr. Perry and said that Weber County is not conceding anything, but they are willing to convey that piece of property, and in turn he would have to make that wall into compliance which is four feet. After meeting with Sean Wilkinson and working with the ordinance, there is nothing that will work, other than having them bring it down four feet or removing it. At this point they know, there is nothing that Weber County will do or allow; so Mr. Perry's counsel finally accepted that there is no other alternative. Presently he is waiting for a call from his counsel to see if they are going to bring it into compliance, and if they do that, Weber County will give them the sliver of property, which is probably his anyway. If he does say no, then

they will have to take him to court, and that would be a lengthy process. Chair Warburton said whether that piece belongs to him or not, it still has to be in compliance. He has tried, and with feelings from residents, citizens, and all the way down the line, there really weren't any options or alternatives for him. Chair Warburton asked how was the same type of fence allowed up the road? Director Wilkinson replied that was approved prior to zoning when that type of fencing was allowed.

5. **Planning Director Report:** Director Wilkinson said that they had a great conference in Seattle, Commissioner Howell came up with us, and it was a very good conference as far as the sessions went. There was a great keynote speaker and he will try to obtain the video for the rest of the Planning Commission. It was very motivational address. The former Deputy Director of HUD who is now on the Health Board in the Seattle area, is a very good speaker and they would enjoy that. Chair Warburton said that this may be online now. Director Wilkinson said that they would like to do some training based on that and a few other things in the future. Commissioner Howell said that they did a great job on the Agri-Tourism Presentation. Director Wilkinson said that they did a very good presentation. They had Wayne Andreotti from the Western Weber Township Planning Commission, who filled in for a professor from the University of Idaho that was unable to attend. He brought a citizen's farmers prospective to Agri-tourism and it was very well received. Commissioner Hollist asked what he would say was the one or two most important things that he took away from the conference. Director Wilkinson replied that it is up to us. It is on us. That is what he took away from the conference and that was the message of the keynote speaker, and when they show the video to them, he believes that it will come across to them as well. One thing that they brought up, was they did a study in Seattle, he was shocked when they said, "we can predict morbidity rates by zip code. He could look at a child, in a particular zip code and tell you the year that child will die, because they live in that zip code." He said that should never happen in the United States of America, and as Planners, it is up to you to change that.
6. **Remarks from Legal Counsel:** There were no Legal Counsel remarks.
7. **Adjournment:** The meeting was adjourned at 5:30 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;  
Weber County Planning Commission