

Minutes of the Ogden Valley Township Planning Commission meeting held Tuesday January 24, 2006 Weber County Commission Chambers, commencing at 4:00 p.m.

Members Present:

Steve Young, Chair
Louis Cooper, Vice Chair
Keith Rounkles
Jim Banks
Sharon Holmstrom
Verl Creager

Members Excused:

Greg Graves

Staff Present:

Jim Gentry, Director
Kevin Hamilton, Planner
Chris Allred, Legal Counsel
Angela Martin, Secretary
Scott Mendoza, Planner
Sean Wilkinson, Planner

Consent Agenda Items

- A. Conditional Use Permit #20-05 by Pioneer Bible Camp for an expansion of cabin area
- B. Conditional Use Permit CUP #22-05 by the Village at Wolf Creek (formally Apple Knoll) for a revision to modify three house plans and to add rolled gutter
- C. Final Approval of Eagle Ridge Cluster Subdivision Phase 5 at 3957 Ridge Road, 16 Lots
- D. Zoning Petition ZP # 01-06 by Ophiekens Company to amend the Zoning Map to re-zone from A-1 to RE-20 at 3684 N. Eagle Ridge Road
- E. Final Approval of Lakeside Village Phase 12 at 6486 E Hwy. 39, 5 Units
- F. Final Approval of Paige Sanders Subdivision at 2932 N. 3500 E., 1 Lot
- G. Commercial Site Plan CSP #05-05 by Powder Ridge Homeowners Association for a revised landscaping plan at 6172 N. Powder Ridge
- H. Final Approval of Ogden Welfare Farm at 6950 East Hwy. 39, 2 Lots

Regular Agenda Items

- 1. Election of Chair and Vice Chair for 2006
- 2. Approval of 2006 Meeting Schedule
- 3. Approval of Planning Commission Policies & Procedures
- 4. Approval of the November 22, 2005 and December 14, 2005 meeting minutes
- 5. Barry Schwartz presenting John Lewis Property, Discussion Only
- 6. Discussion Item Only for Hinz Property Concept
- 7. Conditional Use Permit CUP #01-06 by Abbey of The Holy Trinity at 1250 S. 9500 E., for a new Monastery facilities and a 48 foot Bell Tower (this item has been tabled to the next meeting)
- 8. Final Approval of Sheep Creek Cluster Subdivision Phase 4 at 4000 E. 4750 N., 25 Lots
- 9. Preliminary Approval of Pine View Estates at 985 N. Hwy. 158, 79 Lots, and request for a one year time extension
- 10. Zoning Petition ZP#02-04 to amend Zoning Ordinance Chapter 22B Cluster Subdivision

Consent Agenda Items

A. Conditional Use Permit #20-05 by Pioneer Bible Camp for an expansion of cabin area

Staff presented the following report:

The applicant is requesting approval to expand cabin and equipment storage facilities at the existing Pioneer Bible Camp located at 3165 East 3350 North in the Liberty area. The Bible Camp is operating under an original Conditional Use Permit that was presented and granted approved April 23, 1991. The Camp was also granted approval for an access other than street frontage from the Board of Adjustment in June of 1990.

The parcel consists of approximately 65 acres and lies within the Forest Valley-3 (FV-3) Zone which conditionally allows such a private recreational area. Densities for campsites are set at 5 sites per acre, however, the Weber County Health Department has limited the Bible Camp density to 130 persons at any given time.

The intent of the conditional use is to enable the applicant to add two additional (12'x16') cabins and one new (40'x50') maintenance/storage building. The cabins will resemble a clondike, goldrush style structure with stained T-111 siding and green steel roofing. The maintenance/storage building will be made entirely of metal and consist of brown exterior walls and a green roof. The Ogden Valley Architectural, Landscape and Screening Design Standards do apply to this project and have been satisfied due to the building materials being proposed as predominantly natural, muted earth tone colors.

The Weber County Engineer's Office has reviewed the proposal and has no significant concerns.

Culinary Water will continue to be provided by an approved and existing private well.

Waste Water Treatment will continue to be provided by an existing septic system.

The **Weber Fire District** will not be requiring any fire hydrants because there is no large capacity water supply available in the area.

Conformance to General Plan:

Conforms to the General Plan by meeting the requirements for the zone in which it is located by enhancing recreational opportunities.

Conditions for Approval:

1. Requirements and recommendations of the County Engineers Office.
2. Requirements and recommendations of the County Fire District.
3. Requirements of the Weber County Health Department.
4. Requirements of the Weber County Building Inspection.

Staff Recommendations:

Staff recommends approval subject to conditions imposed by the Planning Commission, the Weber County Camp Ground Ordinance and to staff and other agency comments.

B. Conditional Use Permit CUP #22-05 by the Village at Wolf Creek (formally Apple Knoll) for a revision to modify three house plans and to add rolled gutter

Staff presented the following report:

Project Summary

The applicant is requesting approval to amend the Village at Wolf Creek P.R.U.D. by adding three new house plans, removing the vinyl fencing and installing curb and gutter (see attached letter).

Conformance To General Plan

Conforms as a conditional use.

Questions to Ask

1. Will existing homes be upgraded to match the new building materials.

Conditions for Approval

- A. Requirements and recommendations of the County Engineer’s Office.

Staff Recommendation

Staff recommendations approval of the changes subject to all conditions of the original approval.

C. Final Approval of Eagle Ridge Cluster Subdivision Phase 5 at 3957 Ridge Road, 16 Lots

Staff presented the following report:

The applicant is requesting final approval of the Eagle Ridge Cluster Subdivision, Phase 5 located at approximately 3950 North Eagle Ridge Road.

This proposed subdivision was presented and granted preliminary approval on December 14, 2005 with the following description:

The proposed project will be the fifth phase of this master planned community and will cover 23.6 acres and consist of 16 residential lots and 2530 feet of road improvements. The project was also part of a “Re-Zoning” (Ordinance 96-46, December 9, 1996) that granted approval to change portions of the 1996 zoning from A-1 & FR-1 to RE-20 & FR-3 as part of this project’s overall concept master plan. The zones A-1& RE-20 require minimum areas of 15,000 sq.ft. & 10,000 sq.ft and minimum lot widths of 100 feet & 80 feet respectively. The current zone line that splits this phase has been shown on the subdivision plat.

Items discussed during the December 14th, 2005 meeting were (1) a change in the number of lots in Phase 5 from what was originally approved as part of the master plan community and (2) the lack of pathways shown on the plat.

The number of lots in Phase 5 have increased by 2 lots but 2 lots have been removed from a future phase according to a slightly update Master Plan. The future phase losing the 2 lots is located northeast and across Eagle Ridge Drive from this proposed phase 5.

The recommended pathways and alignment conforming to the **Weber County Pathways Ordinance** have been located and have know been depicted on the final plat.

The **Weber County Engineer’s Office** has had an opportunity to review the final plat and improvement drawings and has no significant concerns.

Culinary Water & Waste Water Treatment Services will be provided by Wolf Creek Water & Sewer Company.

The **Weber Fire District** will be requiring 6 new fire hydrants.

Conformance to General Plan:

These lots are Legal Non-conforming based on the fact that they are part of Master Planned Community that was approved prior the zoning change in the upper Ogden Valley.

Conditions for Approval:

1. Requirements and recommendations of the County Engineer’s Office.
2. Requirements and recommendations of the County Surveyor’s Office.
3. Requirements and recommendations of the County Fire District.
4. Requirements and recommendations of the sanitary sewer and culinary water provider.

Staff Recommendations:

Staff recommends final approval subject to staff and other agency comments and recommendations.

D. Zoning Petition ZP # 01-06 by Ophiekens Company to amend the Zoning Map to re-zone from A-1 to RE-20 at 3684 N. Eagle Ridge Road

Staff presented the following report:

The petitioner is requesting to amend an existing zoning boundary located at approximately 3650 North Eagle Ridge Road. The proposed amendment is in an area that has been proposed as Eagle Ridge Cluster Subdivision Phase 6 and would, if approved, rezone a 0.77 acre parcel (Exhibit "A") from Agricultural -1 (A-1) to Residential Estates-20 (RE-20) and another smaller 0.01 acre parcel (Exhibit "B") from Residential Estates-20 (RE-20) to Agricultural-1 (A-1). Eagle Ridge Cluster Subdivision Phase 6 was presented and granted preliminary approval on December 14, 2005.

This original zoning boundary was prepared as part of an overall master planned community and is a result of a previous petition that was approved and adopted as Ordinance 96-46 on December 9, 1996. The actual alignment of this zone followed a centerline of a future road, however, Weber County's Engineering Office, Planning Staff and adjacent home owners recommended against connecting this future road to the existing 4350 East Street located south of the project. The developer agreed to make the change to road system within the community but the change has never been reflected in the zoning boundary. This change to the zone would allow the boundary to continue to follow the new road to a point where it can follow a lot line. This will eliminate the zone line from splitting four lots. The site development standards for the Agricultural-1(A-1) and Residential Estates-20 (RE-20) zones vary slightly. A cluster subdivision residing within an Agricultural-1(A-1) zone is required to have a minimum area of 15,000 square feet and a minimum lot width of 100 feet. The Residential Estate-20 (RE-20) zone requires a minimum area of 10,000 square feet and a minimum lot width of 80 feet. The proposed lots within the subdivision conform and exceed the minimum requirements for either zone.

Staff Recommendations:

Staff recommends approval subject to the conditions and requirements of the original master planned community approval.

E. Final Approval of Lakeside Village Phase 12 at 6486 E Hwy. 39, 5 Units

Staff presented the following report:

The applicant is requesting final approval for Lakeside Village Phase 12, Condominium Plat, consisting of 5 units, approximately located at 6486 E. HWY. 39. This is the final phase of the Lakeside Village P.R.U.D.

Conformance to General Plan:

This project conforms to the General Plan because it is a continuation of an approved P.R.U.D.

Conditions for Approval:

Conditions and requirements of P.R.U.D. approval for this development.

Staff Recommendations:

Staff recommends approval subject to staff and other agency comments and recommendations.

F. Final Approval of Paige Sanders Subdivision at 2932 N. 3500 E., 1 Lot

Staff presented the following report:

The applicant is requesting Final Approval for the Paige Sanders Subdivision located at approximately 333 S. 5900 W. The subdivision contains 1.45 acres, consists of one lot, and lies in an FV-3 Zone which requires a minimum lot area of 3 acres and a minimum lot width of 150 feet. This is a nonconforming subdivision which meets the requirements of Chapter 28-14.3 of the Weber County Zoning Ordinance, which says:

"Parcels nonconforming as to area and frontage requirements which:

- a. **Were created and recorded prior to July 1992 changes to the Utah State Code, Subdivision Law; and**
- b. **Met area and frontage requirements for the zone in which they were created at the time they were created;**

May submit an application for subdivision approval provided they meet all other requirements of the Subdivision and Zoning Ordinances."

Culinary water will be provided by Nordic Mountain Water, secondary water is not required. Wastewater will be handled by a septic system.

A side path which meets the requirements of Chapter 40-4.3 of the Weber County Zoning Ordinance will be provided along 3500 E. This proposed pathway is shown on the subdivision plat.

Conformance to General Plan:

This is a nonconforming subdivision.

Conditions for Approval:

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber County Health Department.
3. Requirements and recommendations of the Weber County Fire District.

Staff Recommendations:

Staff recommends approval subject to staff and other agency comments and recommendations.

G. Commercial Site Plan CSP #05-05 by Powder Ridge Homeowners Association for a revised landscaping plan at 6172 N. Powder Ridge

Staff presented the following report:

Proposed Use

The petitioner is requesting approval for a revised Site Plan for the new Powder Ridge Condominiums Community Center. The new Site Plan amends the approved landscaping plan by reseeding areas disturbed during construction with a mixture of native grasses and wildflowers and eliminating shrubs that were located in areas needed for snow removal and storage. A parking area that did not have direct access to the center is also being eliminated. Existing trees and plants will not be removed.

Conformance To General Plan

Conforms by maintaining the natural setting

Staff Recommendations

Staff recommends approval subject to staff and other agency comments.

H. Final Approval of Ogden Welfare Farm at 6950 East Hwy. 39, 2 Lots

Staff presented the following report:

The applicant requests final approval of the Ogden Valley Welfare Farm Subdivision located at approximately 6950 East Highway 39 (1000 feet west of the Highway 39 and Trapper's Loop intersection).

This proposed subdivision was presented and granted preliminary approval on November 22, 2005 with the following description: *The proposed subdivision will occupy 10.00 acres of a larger 216 acre parcel and will consist of 2 lots and 560 feet of road improvements. It falls within a Forest Valley-3 (FV-3) zone which requires a minimum lot size of 3 acres and a minimum lot width of 150 feet. The proposed roadway will be dedicated as a public road and will extend southerly off of Highway 39 where it will terminate with a temporary turn-around until future development occurs. The applicant is working with UDOT and will have the required permits prior final approval.*

Culinary Water will be provided by Huntsville Town with Secondary Water will be supplied by the South Bench Canal Company. Waste Water Treatment will be provided by septic system.

Trails conforming to the Weber County Pathways Ordinance will be shown on the Final Plat and will consist of a "side path" design along the west side of 6950 East Street. This has been agreed to per a phone conversation with Gary Newman of Great Basin Engineering.

The Weber Fire District will be requiring 2 new fire hydrants.

The Weber County Engineer's Office has had an opportunity to review the final plans and feels that there are no significant issues. UDOT is in the process of reviewing the proposed access to Highway 39. The permit granting access to Highway 39 has not been issued yet, however, a letter anticipating the approval has been received.

There were no issues discussed during the preliminary approval, however, a question was asked about this subdivision lying near a proposed view corridor. The proposed ordinance intended to preserve view and entry corridors has not been adopted, although, if and when the proposed ordinance is adopted the subject property will lie a significant distance from Highway 39 and may not impact the proposed corridor.

Conformance to General Plan:

These lots conform to the current General Plan which requires the lots to have a minimum of three acres and a minimum lot width of 150 feet.

Conditions for Approval:

1. Requirements and recommendations of the County Engineers Office.
2. Requirements and recommendations of the County Fire District.
3. Requirements and recommendations of the culinary water provider.
4. Requirements and recommendations of the Utah Department of Transportation.

Staff Recommendations:

Staff recommends final approval subject to staff and other agency comments and recommendations.

_____ **MOTION:** Commissioner Cooper made a motion to approve Consent Agenda Items A-H, subject to staff and other agency recommendations. Commissioner Holmstrom seconded the motion. A vote was taken and Chair Young said the motion carried with all members present voting aye.

Regular Agenda Items

6. Discussion Item Only for Hinz Property Concept

Ken Gardner, Gardner Engineering, discussed the development of the Hinz Property. This property might have a community drain system. Mr. Gardner has tested the property and the property does perc. They have also looked at a water system which is a well. He said they would come back to the Planning Commission formally once they have geo-technical reports and other information. Staff said that on the sewer there are some other developments in the area and the staff may have them do a package treatment plant.

1. Election of Chair and Vice Chair for 2006

MOTION: Commissioner Banks nominated Steve Young for Chair for 2006. Commissioner Rounkles seconded the nomination. A vote was taken and Chair Young said the motion carried with all members present voting aye

MOTION: Commissioner Banks nominated Louis Cooper for Vice Chair for 2006. Commissioner Rounkles seconded the nomination. A vote was taken and Chair Young said the motion carried with all members present voting aye

2. Approval of 2006 Meeting Schedule

MOTION: Commissioner Rounkles made a motion to approve the 2006 Meeting Schedule. Commissioner Banks seconded the motion. A vote was taken and Chair Young said the motion carried with all members present voting aye.

3. Approval of Planning Commission Policies & Procedures

MOTION: Commissioner Rounkles made a motion to approve the Planning Commission Policies & Procedures. Commissioner Creager seconded the motion. A vote was taken and Chair Young said the motion carried with all members present voting aye.

4. Approval of the November 22, 2005 and December 14, 2005 meeting minutes

MOTION: Commissioner Rounkles made a motion to approve the November 22, 2005 and December 14, 2005 meeting minutes. Commissioner Banks seconded the motion. A vote was taken and Chair Young said the motion carried with all members present voting aye.

8. Final Approval of Sheep Creek Cluster Subdivision Phase 4 at 4000 E. 4750 N., 25 Lots

Staff presented the following report:

The applicant is requesting Final Approval of Sheep Creek Cluster Subdivision Phase 4 approximately located at 3700 East 4600 North. This phase consists of 25 lots and currently lies within an AV-3 Zone, however, it was submitted prior to the zoning change in the Ogden Valley and will conform to the previous 1-acre zoning. The zoning ordinance allows the lots to be reduced to a width of 100 feet and to an area of 15,000 sq. ft in cluster subdivisions.

Because of porous soils the County Engineer is suggesting that lots in this subdivision may need to be restricted from having basements. Basement floor elevation no lower than the base flood elevation to be shown on plat.

Culinary water will be provided by the Liberty Pipe Line Company.

Secondary water will be provided by the developer.

Waste water service will be provided by the Powder Mountain Water & Sewer Co.

Conformance to General Plan:

The subdivision is a legal non-conforming subdivision.

Conditions for Approval:

1. Requirements and recommendations of the County Engineers Office, including a restriction on basements.
2. Requirements and recommendations of the County Fire District.
3. Requirements of the culinary water and sewer provider.
4. Verification from the State Division of Water Quality on the ability of Powder Mountain Sewer to serve this development.
5. Requirements of the Landscaping Plan which includes pathways.

Staff Recommendations:

Staff recommends approval subject to staff and other agency comments and recommendations

Nathan Brockbank, petitioner, 6084 S. 900 E., Murray Utah said when he bought the property from the VanDyke family there were 77 shares of Liberty Pipeline irrigation water and that is what he would be using for this subdivision.

Commissioner Banks said that is not supposed to be irrigated property across the river. Mr. Brockbank asked in Phase 2 and 3. Commissioner Banks said in Phase 2 and 3. Mr. Brockbank said that issue has nothing to do with Phase 4. We are on the East side of the river. Mr. Brockbank said he received a letter about 2 months ago from Liberty Pipeline irrigation. Commissioner Banks asked who signed that letter? Mr. Brockbank said Eugene Bailey who is the president of Liberty Pipeline Irrigation and was signed on October 25, 2005. Mr. Brockbank did not know how the property was irrigated or if it was ever irrigated. All he knows is that when he bought the property it came with it and has been transferred into Mr. Brockbank's name. The way this came about is he bought the property and had so many acre feet of water, so many shares of water and he was drilling two wells. Mr. Brockbank asked Liberty Pipeline Irrigation if they could transfer that water over to phase 2 and 3 and they said you cannot transfer it off properties and he knew we were going to phase 4 anyway and so we left it right there with Phase 4.

Bill Siegel, 3250 North River Drive, Chairman of the Eden Planning Commission. One of the questions we had the other night that he did not hear, it listed the FEMA Loma waivers that they are waiting for the flood plan. Where does that fall into this. Based on recent history with southern Utah with the flooding they had that were granted FEMA waivers and FEMA past history in the last year, just poking on their web site, they are not real tickled about putting out waivers with their butt on the fan.

Dennis Richardson, Weber County Engineering: The flood plain ordinance requires that if a person is to build or develop in a flood plain, they need to do a 100 year flood analysis, and provide base flood elevations. During the process the developer has submitted to FEMA for a letter of map amendment, he has had his engineer research the stream, do an analysis and we do have flood plain elevation based flood elevation information for this development now. Technically you can build in a flood plan according to our ordinances. To do so you have to have the base flood elevation and then the lowest floor to be built in that development has to be at or above the base flood elevation. In this case they have done the study, the base flood elevation they have come up with is actually lower than what the surface ground is right now, so by providing on the plat what the base flood elevation is then they can go ahead and build as long as they are not building the floor lower than the base flood elevation. Actually it has been part of the ordinance to go by FEMA map, this area was not a detailed study area, it was just a grey area. But even in those cases, our ordinances always stated that if they provide the base flood elevation, they can build in a flood plain.

Technically, they are still building in a flood plain right now, but we are using the base flood elevation information to determine what the elevation of their lowest floor will be. In a 100 year flood plain you can build at or above according to the ordinance if you have the information. If they develop so much property, they have to provide those base flood elevations, if it was a one lot subdivision, they would come in and we would have them provide an area on that lot and prove it is out of the flood plain. If they provide the base flood elevation they can build at or above it. Mr. Richardson said that engineering recommend that they are above but the ordinance recommends at or above. If the area has been developed and there are already lots in an area that do not have a detailed study, they are still allowed to build and in that case they have to be 2 feet above the highest adjacent grade to their house, that is only in areas developed before they determined where the flood plain would be going.

Commissioner Holmstrom said this is not pending upon them receiving FEMA waivers then, they are building according to the flood plain.

Mr. Richardson said they are building according to our ordinance, the plan itself doesn't show the actual gray area, the plat they have now does show the flood plain a will change, but we feel as long as we require the base flood elevation on there, they should build to this elevation.

Commissioner Holmstrom asked Legal Counsel if we don't have set backs on certain stream corridors and we allow people to build in flood plains, and we have a situation like we had in southern Utah, where does the liability of the county lie.

Chris Allred, Legal Counsel said he does not believe we have any liability, we have made all of the disclosures that we can they know the situation at this point we have tried to limit their ability to build below that flood plain.

MOTION: Commissioner Holmstrom made a motion to approve Final Approval of Sheep Creek Cluster Subdivision Phase 4 at 4000 E. 4750 N., 25 Lots, subject to the requirements and recommendations of the engineers office, the county fire district, the culinary water and sewer provider, as well as the secondary water provider, contingent upon verification from the state division of water quality on the ability of Powder Mountain sewer to serve this development and the requirement of the landscaping plans which includes pathways subject to the county engineers approval. Commissioner Banks seconded the motion. Motion carried unanimously.

Commissioner Creager was excused at 7:00 p.m.

9. **Preliminary Approval of Pine View Estates at 985 N. Hwy. 158, 79 Lots, and request for a one year time extension**

Staff presented the following report:

The applicant requests preliminary approval of the Pineview Estates Cluster Subdivision at Radford Hills located at approximately 985 N Highway 158. The proposed project will consist of 78 residential lots on approximately 263 acres and is a revision and continuation of a previous subdivision (Radford Hills) that was presented and granted preliminary approval on September 8, 1998. The original request was for 104 lots but due to steep slopes (60% and above) in the area, 95 lots were approved with 12 of those lots having been developed to date. During the original (1998) approval, it was found that road areas were not taken out of the total acreage. There are 19.39 acres of roads being proposed in the remaining project and there are 20.10 acres taken out for slopes over 60%. This calculation, when looking at the entire (312 acre) subdivision and considering subtracting areas with slopes greater than 60% and road acreage, should leave approximately 266.61 net developable acres in the project. When this total is divided by a 3 acre density the total lots allowed should equal 88. Twelve lots have been developed to date which should leave an outstanding remaining balance of 76 lots.

312 Total original acres
- 26 >60% Slope Acres
- 19.39 Road Acres (Figure derived from remaining project)
= 266.61 Developable Acres
- 3 Acre Density
= 88.87 Total Lots
- 12 Lots Developed to Date
Equals 76 Lots Remaining in Subdivision

The original developer has chosen to sell the remaining acreage and has submitted a request for an extension of time due to the sale of the property and new field (slope) information that warrants a slight change in the road patterns, thus some changes to the lots. The reasoning for the extension appears to be appropriate, however, a time period of 12 months rather than 18 months would keep this development on its original development schedule.

The cluster subdivision lies within the Forest Valley-3 (FV-3) zone and the petitioner is proposing a State approved water and sewer system which would allow for reduced lot areas (15,000 sq. ft.) and widths (100 ft.). The lots as shown seem to average over an acre in size and meet the minimum width requirement.

The proposed road system will consist of a 1/2 mile of public roadway, which will provide access to the adjacent property north of this proposed subdivision. There will be approximately 2 miles of private road secured by 3 gates located at the two main entries along Morning Side Lane and the uppermost entrance adjoining Radford Hills Ph. 6A. The gates will have a development logo cast into the iron pickets (see attached) and function as a Vertical Pivot Lift design or "hammer gate" and be constructed as a single 24' gate operated with remote, keypad entry, back-up battery system and have an emergency opening device triggered by a siren.

Two signs have been proposed at the two southern most entrances to the new project. The upper sign will be an entry sign constructed of a natural stone veneer, concrete and an oxidized brass face. The lower sign will be constructed of landscape boulders, a log beam, chain and an oxidized brass face. The wording on the signs will be polished out to the natural brass color. Both signs have been proposed as to meet the height, width and rustic materials requirements of the Ogden Valley Sign Ordinance. See attached sign renderings.

The Weber County Engineer's Office has had an opportunity to review the proposed preliminary plan and have a number of concerns regarding road cuts, road grades, round-about slopes and diameters and construction access. The W.C. Engineers also have concerns with slopes greater than 25% where the proposed drainfield has been located.

Road cuts will be required to have a maximum slope of 1.5:1 and be stabilized. The road grades exceeding 12% will need to be approved by the Weber Fire District and the proposed round-about will be required to lower slopes and increase diameters. It has also been recommended that construction access be limited to Morning Side Lane to mitigate any potential damage to existing roads.

See attached Engineer's letter for additional comments.

Culinary Water will be provided by Pineview West Water Company with additional water for this project being supplied by Ogden City. See attached letter.

Waste Water Treatment will be provided by a proposed sewer system (Orenco) that is referred to as a package treatment plant. The site plan for this treatment facility has received a letter from the State of Utah verifying its feasibility. The waster water facility will be a conditional use and may appear on February's agenda.

The **Weber Fire District** will be requiring 31 new fire hydrants and will be working with the applicant's engineer on road slopes over 10%.

Trails conforming to the **Weber County Pathways Ordinance** will be a sidepath design and have been shown on the preliminary plan with a bold dashed line.

All students are eligible for bussing from designated bus stops.

Conformance to General Plan:

These lots conform to the current General Plan which requires the lots to have a minimum area of 15,000 sq. ft. and a minimum width of 100 ft..

Questions to be Asked:

1. In a residential development, is it a good idea to have a siren activated gate where sirens are known to attract kids? Are there benefits to this device or other alternatives?
2. Should lot 41 be moved away from the sewer facility?
3. Are sign designs final?

Conditions for Approval:

1. Requirements and recommendations of the Weber County Engineers Office.
2. Requirements and recommendations of the Weber Fire District.
3. Requirements and recommendations of the Weber County Surveyor's Office.
4. Requirements and recommendations of the Weber Pathways Ordinance.
5. Requirements and recommendations of the culinary water and sewer provider.

Staff Recommendations:

Staff recommends preliminary approval subject to staff and other agency comments and recommendations. **Since this proposal is under the old slope requirement of 60 percent, staff recommends that the developer is not given a new 18 months for the preliminary plat, but is granted a one year time extension to record the next phase of this subdivision as requested in the petitioners letter for a time extension. The Planning Commission needs to clarify the total number of lots, make a recommendation to approve this project as a gated community and approve the proposed subdivision signs.**

Nathan Brockbank, 6084 S. 900 E. Murray, stated he is the petitioner on this project.

Chair Young asked the petitioner if he felt there was a demand for a gated community. Mr. Brockbank said there is a huge demand for a gated community. Most of our buyers will be from out of state and they want to make sure it is secure when they are not in town.

Commissioner Rounkles said that in a gated community they will take care of all snow removal.

Commissioner Banks asked if the petitioner is going to buy water shares from Ogden City Water or is Ed Radford going to buy them? Mr. Brockbank said he is going to purchase the water shares.

Chair Young asked if anyone has any problems with the signs and gates.

Commissioner Cooper said he thinks the board needs to discuss the signs, he is not clear on them and he realizes what the sign ordinance says but if it gives us that latitude he thinks the board needs to ask the petitioner what they are going to look like.

Nathan Brockbank said as much as he knows they make a sign in a foam and then they carve it out and dip it in brass we felt like brass turns to green and that will be the look of the sign.

Staff said the petitioner usually comes in after the sign is built.

Commissioner Holmstrom said in one drawing the developer has a water feature and the bottom of the water feature is one place then that significantly elevates the sign. There is a height restrictions and once the sign is elevated with a water feature, how does that impact the height restriction on the sign?

Staff said the sign with the water feature placed in this area, is going to be bermed, it is not already hillside. Jimmy Black who is in charge of sign project said, they are conforming to a 2' berm, a height of he believes 6' and a width of 10'. Staff said the height of the overall sign would fit within those requirements, but the water feature may fall down the natural terrain of the landscape.

Commissioner Cooper said it sounds like the proposal is very tasteful and looks good, but when the commission approves things on a visual and what they think is best, it comes back to bite them.

Chair Young said these are the pictures we have so this is what we are approving, so how can we approve it unless the commission has a picture that is really what it is. The developer said they were going to change it.

Staff said at final approval and the developer can submit the new sign designs for the planning commission. The Planning Commission could require him to bring in the final design.

Mr. Brockbank said he was put under the gun. We want it to be first class. Knowing that is going to change, he could not get a drawing in time.

Chair Young said he would suggest that if we have preliminary approval that we ask those to come back for final approval with the new signs and keep it in mind that if that is what you bring back and we approve it, that is how it has to be.

Commissioner Banks asked if Mr. Radford going to provide you with secondary water. Mr. Brockbanks said he is buying everything, all the wells on the site,

Commissioner Holmstrom said this project belonged to Ed Radford, the developer has access through forest service property to one of the skyline trails, she realizes that you are planning a gated community for your own purposes, but you might ask Ed about it.

Mr. Brockbank is getting with the EPA because there are certain portions to get through with our trail prior to working with them. We are planning to connect these trails with our property. Our trails are going to be asphalt. We are competing with some wonderful subdivisions in this area.

Dennis Richardson said that Commissioner Cooper brought up the issue of less width. There needs to be a clarification its actually wider than the normal 24' wide rule section. However in normal curb and gutter situations we get 36' from back of curb back to back of curb. However, in this situation we will be 31' from back of curb to back of curb, there is a little less width, but it is greater than just the general rule application of the 24' wide.

Ross Kelso, 987 N. Lakeside Drive, Radford Hills, Eden, UT - Two issues, access to the skyline trail, one of the reasons he bought here in 1998, is that Mr. Radford promised him that one of the deals would be that we would have access to the skyline trail and the trails he planned to build in the future. Homeowners in Radford who have been here for years and years and have been using this property that they are planning on developing as access to that area now, hike up and ride horses all summer long and use this access, there are several homeowners here from Radford and they are wondering if they are going to have access through this gated community to get to this skyline trail. They believe what was promised by Mr. Radford when they purchased the property needs to be addressed. When Mr. Kelso bought his lot in 1998, he was told that shortly after his purchase and the next one or two developments, that there was going to be a road built through that area. Shortly after he moved in there was a graded road put in, it has not been paved. He situated his house so that his garage and driveway goes on the north side of his lot for the last 7 years. He has been driving up this graded, but unpaved road to have access to his lot. If a fence is going to be put on the South side of that ungraded road, he will have no access to the north side to his garage and lot on the north side is what I have been using for seven years, and where he has a rock retaining walls it would be expensive to put another road on his lot. Who is going to take responsibility for paving the road, Radford or the new owners? These two issues need to be resolved.

Chair Young said those issues would have to be brought up with the developer and past developer.

Buz Nietert, 970 N. Yacht Drive, down from Dr. Kelso. Mr. Radford, the prior developer, had discussed future development with current homeowners. He talked about the benefit of bordering the natural forest. He takes his children, grandchildren and dogs and can hike all the way to Skyline Trail.

Commissioner Cooper said that if this is in the past, is it a covenant issue where the developer promise something when the subdivision is proposed, but in the initial phases do they have to pave the road or not? What authority do we as a commission have?

Mr. Allred said that some of the roads are outside of the subdivision, if there is something that was missed in the original subdivision it sounds like Mr. Radford had suggested he might do some additional things.

Staff said the Planning Commission does have control over this issue. The Planning Commission could require this to be a public road versus private and not allow the gated community. Just because they want a gated community or paved roads does not mean the developer will get them. You do not have to grant a gated community, you could require public roads, just because they want gated private roads a gated community, does not mean that they will get approval. That is something you need to review and look at as a planning committee, whether it will be a gated or a public or a private road.

Mr. Allred asked if it is the road out of the subdivision they are concerned with?

Commissioner Cooper said as a planning commission if we can say you can have a private, gated or not gated, we had a phase that went in, based on his comment, there is going to be some realignment of roads and we do not have the authority to say those roads have to mesh.

Chair Young said when somebody designs a subdivision and they design the roads, we do not have any say in that, we have say that arterials connect, and so forth. We cannot say how this is to be designed.

Staff said this cul-de-sac that is being proposed is a brand new as part of the revisions, the Planning Commission can say no we do not want this and maybe it does continue on.

Commissioner Holmstrom said she thought that we would be somewhat bound to look at the original plan that was approved and compare it to the provisions that are proposed. Because she does think we have a public responsibility to honor a subdivision plat that we have approved even though it was 8 years ago and we did not personally approve it.

Chair Young asked if we are approving the old subdivision or the new subdivision? Staff said you are approving the revisions to the preliminary plat. It is the revisions to the road alignment, they do not want preliminary approval because of the new slope ordinance, so they are just changing the road alignments.

Commissioner Cooper said we are not in the business of doing that, these guys do the cut and fills but they come to us and say this is how it is going to look. You cannot effect his access, you have to finish what you started.

Staff said this is for approval to revise to a preliminary plan.

Commissioner Holmstrom said we can table it and until we have a look at the original subdivision plans that were approved and compare them to the revisions and let these people talk to the developer because now he is aware of this connection with the skyline trail, and Ed Radford is a man of integrity and I think he would like to have that honored, there is no reason we have to rush into this, we can make this right.

Mr. Brockbank said his concern is that the gentlemen built his driveway on a road that was not instructed and had preliminary plat approval, he is saying plat approval does not mean very much we went from 104 lots to 77 lots, if we are going back on preliminary approval can he have his six lots back? Everyone is telling him no way. This gentleman has been driving on Ed's property to get to his house, it is not a road it has never been dedicated, it is Ed's property, Mr. Brockbank is buying the property, he has been driving on it with or without permission. It was never a dedicated right-of-way, on a preliminary plat in 1992.

Commissioner Cooper asked if preliminary approval is binding.

Mr. Brockbank said when Ed Radford came in he presented 312 acres and he was approved for 95 lots. He has developed 12 lots so that leaves 83. He got a call Friday morning stating that when Ed was approved, his engineer did not take out the roads. You can only do 76.9 lots, he did a lot of study and so did his attorney. In Weber County, preliminary approval doesn't mean that much. He lost 7 lots. If it means a lot, we will go back and fight for those 7 lots, which is millions of dollars. His attorney is telling him that you do not have much to stand on even though it was approved in 1998 and voted on. He is buying a piece of ground that he has paid for every year to keep the ordinance, the part with the trail ways, he would love to deal with these guys, he does not have a problem. There is some open space up there he could put a trail on. He could look at doing a gate and entry or door at our gates so that they can come in to use it. He did not know that this was going to be a concern. Most people don't like development, they don't like to see stuff being developed when it takes up their open space. Ed owned the property for years and he is finally going to see the reward for a booming market. He will work with these guys, he will be up there tomorrow. He would like to get preliminary approval based on meeting with these guys making sure that they are okay with what we are doing. If we need to move some of his rocks at my cost, he would do something like that. He needs this to be a gated community. He will work with these guys, and he understands the trail system. This issue about driving on Ed's property to get to his house, that is poor design. Mr. Brockbank said he will go up to see what we can do to help.

Mr. Allred said the Planning Commission's job is primarily your job is to make sure there is frontage and the developer meets the technical requirements. By the looks of it, there is going to be frontage there, he does not know if you have authority to mandate a road be punched through you do have to insure that the lots have frontage and meet the requirements. If it is a major arterial road you have to look at circulation for planning.

Chair Young said he thinks what we are looking at is mitigating circumstances, this was a preliminary approval that we are dealing with from before with some changes, if these changes effect something, are we then affecting these people.

Mr. Allred said has not been involved in this subdivision from the beginning and is not very familiar with it, if you are inclined to try to make significant recommendations in this regard I recommend that you wait and get some input from Ms. Hurtado before you do that.

Mr. Brockbank said he would try to work out the issues with the other homeowners but they might not like what he can or cannot do.

Staff said the road is not dedicated on any plats at this point there is no obligation for the road to be there because it has not been recorded on a plat.

William Siegel, Eden Planning Committee asked if this was the first instance where the Pathways are through a gated community.

Commissioner Holmstrom said that this was the second gated community.

MOTION: Commissioner Cooper made a motion to grant Preliminary Approval of Pine View Estates at 985 N. Hwy. 158, 79 Lots, and request for a one year time extension for the existing preliminary approval and the approval of the revisions to the preliminary approval subject to staff and other agency recommendations. Also that the remaining lots in the subdivision will be 76 Lots and that this recommendation would be for a gated community and that the proposed signage for the subdivision will be reviewed by this body or the existing Planning Commission before final approval is given for recommendation or any changes that need to be made on the signage. Commissioner Rounkles seconded the motion. A vote was taken and Chair Young said the motion carried with all members present voting aye.

Commissioner Cooper was excused at 7:15 p.m.

10 Zoning Petition ZP#02-04 to amend Zoning Ordinance Chapter 22B Cluster Subdivision

Staff presented the following report:

Background:

This is a Draft of proposed changes to the Cluster Subdivision Ordinance. Both the West Central Weber County General Plan and the Ogden Valley General Plan recommend clustering development to preserve open space. The plans also suggest the use of incentives to encourage developer to develop Cluster Subdivisions. These amendments to the Zoning Ordinance are being proposed to encourage better residential development in the County that creates and permanently protects open space, in order to preserve the rural character and natural beauty of Unincorporated Weber County, as called for by the County's General Plans. Also, changes are being proposed to eliminate repetitive and conflicting language. One major change this amendment will bring is the assimilation of cluster regulations from the Subdivision Ordinance into the Zoning Ordinance. The current Cluster Subdivision regulations for the County are found in both the Zoning Ordinance and the Subdivision Ordinance creating confusion for the public, developers, and the Planning Commission and their staff. It has also resulted in requirements being missed and cluster subdivisions being recorded that do not fully meet the intent of these ordinances.

Chair Young said it would be easy to raise the percentage instead of lowering the bonus densities. Staff said that was a very good point. Staff would recommend, for example on the wildlife it should probably be left at 25% because there is a lot of desire to build in the wildlife corridors, usually the wildlife corridors are where the trees are. For example on the agriculture the board may want to say no, lets go to 10% and 15% bonus density. The numbers can always be tweaked up or down also. Chair Young said that it would be easier to go up than down. Staff said on every one of the bonus density it says up to 25%. So there is a lot of discretion but there needs to be consistency in the recommendations.

Chair Young said if a developer petitions for preliminary approval and they say they have done this so they would like a 5% bonus. Then the Planning Commission says no we will give you for example 2% for one and 6% for another, then the developer would have to go back and draw up new plans. Staff said that would be an issue that needs to be addressed. Staff said lets do something to preserve open space.

Staff's numbers may be high. So staff would like to get a recommendation from the Planning Commission and rewrite the ordinance based on the information from the board and then the Planning Commission will recommend to the County Commission what they think the bonus density should be and how the developer can earn them. Chair Young said personally he would like to see the numbers lower.

Commissioner Rounkles asked staff if there would be two drafts written, one for the upper valley and one for the lower valley. Staff said no. They would be based on the zoning.

Staff said that the you cannot come in and do a cluster subdivision and spread the lots out over the whole area, the 70% rule means that all the development has to be located within 70%. That is to maximize the open space the quality open space the be creating larger chunks of open space.

Chair Young asked to get a quick over view of what you get for the 50% bonus density in the 60% open space. Staff said with the 50% bonus density on the larger clusters we are saying 60% bonus density and that is something that staff does see the County Commission possibly would say if we are going to give a 25% bonus maybe we would only require 40% open space. If the Planning Commission is going to go below the 25% on the smaller cluster subdivisions or maybe 35% there will be an adjustment to that required amount of open space.

Bill Seigel, Eden Planning Committee said that there was a concern with the 50% bonus. If you gave a large density bonus's just because of protecting a stream corridor he thinks you would be getting away from what the purpose was of protecting the stream corridor. Where as if you look at Sheep Creek they have put the large areas around where there creeks are.

Chair Young said there is one thing that you have to look at that is part of this, we are also looking at TDR's and conservation easements. Those type of pieces would be far more beneficial as a conservation easement or TDR type situation as opposed to a cluster subdivision. Mr. Siegel said he has talked to a few developers that the TDR maybe further down the road than what this plan would be. Not immediately is Earl Holding going to roll down into the valley and say he would like buy this TDR and that TDR, this is years away looking at that but this is here and now. Another was having two plans, what doesn't work for West Weber isn't going fit up in the valley and you can separate that out. How are the bonus density who are they going to affect Utah Power & Light and with little or no improvements within the next five years to increase the amount of power in the valley, water and waste water is a concern.

Steve Clarke said the GEM Committee spent half hour discussing this. The majority thought the minimum lot size is too small and the bonus' are too high. By right, build 15,000 units in the Ogden Valley, if you add cluster it goes to around 17,000 units. People do not like that.

Lowell Peterson said the key point for him is most of the people in the Valley would prefer that there was no bonus density increase at all. The TDR's are preferred but they are not here yet. We are offering density increase to encourage clustering because that is the next best thing. If you lower the incentives too much the developers may not cluster. He does not have a magic number he just would point out and remember what we are trying to do and if we are taking away the incentive then we just as well not have any bonus. Staff has done a good job on this ordinance. He also said a half acre lot is a big lot even for a big home and he thinks that half acre lots would be fine given that there has to be roads, etc.

The Planning Commission recommended a 30% bonus density.

5. Barry Schwartz presenting John Lewis Property, Discussion Only

This item was not heard.

7. Conditional Use Permit CUP #01-06 by Abbey of The Holy Trinity at 1250 S. 9500 E., for a new Monastery facilities and a 48 foot Bell Tower (this item has been tabled to the next meeting)

THERE BEING NO FURTHER BUSINESS, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted,
 Angela Martin, Secretary
 Weber County Planning Commission