

**MINUTES  
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, April 11, 2017 - 10:00 a.m.

Commission Chambers, 2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**WEBER COUNTY COMMISSIONERS:** James Ebert, Kerry W. Gibson and Jim Harvey.

**OTHER STAFF PRESENT:** Ricky D. Hatch, Clerk/Auditor; David C. Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

- A. WELCOME** – Chair Ebert
- B. INVOCATION** – Commissioner Gibson
- C. PLEDGE OF ALLEGIANCE** – Chair Ebert
- D. THOUGHT OF THE DAY** – Commissioner Harvey

**E. PRESENTATIONS:**

**1. PRESENTATION OF THE COUNTY GOVERNMENT 2017 THEME, "BRILLIANT IDEAS AT WORK"**

Commissioner Harvey noted that this theme comes from the National Association of Counties. Counties play an essential role in keeping America's communities healthy, vibrant and safe. Weber County continues its efforts to improve in diverse areas. Chair Ebert addressed one aspect of the vision of the county moving forward, which includes breaking the intergenerational cycle of poverty, and an initiative is underway. Commissioner Gibson noted that the vision includes prosperity and he spoke of the importance of creating the right types of jobs, having a trained workforce, etc., so that our children/grandchildren may be able to remain here, rather than us losing our greatest resources to other states. A lot of our county's tax money is being sent to the state, and those funds have been focused on infrastructure to communities to the south. The Commission has been tenaciously reaching out to the state to let them know of the county's priorities and to ensure that the residents' voices are heard. Positive steps have already begun and future plans are rolling forth.

**2. STATE OF THE COUNTY**

Chair Ebert's presentation included a video that referred to Weber County's economic innovation, top-tier academics, diverse landscape, community interaction, potent workforce, etc. The commissioners are focusing on urban, recreational, technology and country living and plan to roll out a new strategic marketing initiative. The plan includes working with Ogden City, Weber State, the ATC, and many community partners. He referred to articles that have recognized the county and Ogden City such as the Wall Street Journal, Outside Magazine, and the National Geographic. The county hosted the Olympics and many national events are hosted here, which attract business, events and jobs. Major companies have been attracted to our county. Our diverse area includes rivers, trails, national forests, etc. The county is extremely fortunate in the area of aerospace, advance composites and technology. ATK and Hill Air Force Base account for a large percentage of manufacturing jobs. Our agricultural/country living aspect contributes significantly to the community.

Shelly Halacy, of the Commission Office, gave a brief history of the Crystal Bowl Awards started in 2008 to recognize amazing people who elevate our quality of life in Weber County.

**3. CRYSTAL BOWL AWARDS PRESENTATIONS:**

Allan and Kay Lipman – A video presentation highlighted the hard work and tremendous project accomplished by Allan and Kay Lipman on the capital fundraising efforts (\$7.5 M) for the Lantern House. The Lipmans expressed thanks for the Commissions' support.

George E. Wahlen Ogden Veterans Home – Commissioner Gibson stated that this facility has been such a blessing to our community. He expressed gratitude, love and respect for these deserving veterans who have fought for the freedoms we enjoy. Shelly Jackson, of County Elections, announced the "Vote in Honor of a Veteran" program that the county is about to implement. Terry Schow, a retired Utah Veterans Affairs Director, related a story about Commissioner Gibson's cousin and himself during their military service in 1951. He thanked the commissioners for their support of the beloved veterans. Colonel Claude Blanch stated that he personally wrote the top secret plan for the Air Defense of North America and Director of Operations for North America Air Defense. He expressed thanks to every WWII veteran.

Commissioner Harvey moved that items G.5 and G.6 be moved under the consent calendar; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**F. CONSENT ITEMS:**

1. Ratify warrants #1044-1045 and #415601-415769 in the amount of \$2,067,781.91 dated March 31, 2017
2. Warrants #1046 and #415770-415934 in the amount of \$769,685.65
3. Purchase orders in the amount of \$561,811.40
4. ACH payment to US Bank for \$135,833.65 for purchasing card transactions made through 3/27/2017
5. Minutes for the meeting held on March 28, 2017
6. Surplus office equipment from the Library
7. Surplus office furniture from the Weber County Human Resources Department
8. Surplus a Yurt from the Weber County Parks and Recreation Department
9. Request by Community & Economic Development Dept. to declare surplus & sell #13-188-0055 (Nelson)
10. Contract Modification #4 with Logan Simpson Design to modify current contract extending the contract through June 2017 for completion of the County Resource Management Plan
11. RAMP contracts:

Huntsville Town	Park playground and restrooms	\$30,909.00
Marriott-Slaterville City	Slaterville Park Playground	\$57,500.00
Ogden City Corp	Trailhead Entry Points	\$90,000.00
Ogden City Corp	Field and Scoreboard Enhancements	\$44,475.00
Roy City Corp	Roy City Outdoor Recreation Complex	\$195,999.00
South Ogden City	Nature Park Playground Improvements	\$71,008.00
Washington Terrace City	Rohmer Park Baseball Field Scoreboards	\$62,819.00
Weber County Parks	Observatory Park Entrance/Parking Enhancement	\$47,350.00
Weber County Parks	Long Loop Trail Reroute	\$10,500.00
Weber County Parks	Camp Site Markers	\$2,539.00
Weber County Parks	North Fork Park Day Picnic Area	\$12,750.00
Weber Pathways	Jefferson Hunt Trail	\$125,500.00
Weber Pathways	Old Snowbasin Trail/Road	\$4,500.00
Weber School District Foundation	All Abilities Playground	\$105,000.00
West Haven City	Country Park Pickle Ball Courts	\$100,000.00

- ~~G-5~~ 12. Final approval of Old Town Eden Condominiums located at approximately 5510 E 2200 N, Eden
- ~~G-6~~ 13. Subdivision Improvement Agreement, including Escrow Certificate for \$1,100.00, for improvement within Old Town Eden Condominiums

Commissioner Gibson moved to approve the consent items; Commissioner Harvey seconded.  
 Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**G. ACTION ITEMS:**

**1. PURCHASE THE SUN RIDGE SUMMIT RANCH AT OUR MIDDLE FORK WILDLIFE MANAGEMENT AREA**

Scott Walker, NRO Habitat Program Manager, representing the Division of Wildlife Resources, presented a proposal for acquisition of 2,000+ acres of county property that is adjacent to their Middle Fork Wildlife Management Area in Ogden Valley. He had previously emailed the map to the commissioners. This is a joint wildlife management area with the U.S. Forest Service. The property will be removed from greenbelt and payment of \$140,000 in rollback taxes will be paid to the county. Commissioner Gibson noted that this takes this property from the tax rolls.

Commissioner Harvey moved to support the purchase of the Sun Ridge Summit Ranch at the county's Middle Fork Wildlife Management Area; Commissioner Gibson seconded.  
 Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**2. INTERLOCAL AGREEMENT WITH THE STATE OF UTAH DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT FOR THE JUVENILE JUSTICE SERVICES WEBER VALLEY MULTI-USE YOUTH CENTER**

This item was held.

**3. RIGHT-OF-WAY CONTRACT WITH BRETT LARKIN, PARCEL 155 FOR THE 12TH STREET PROJECT**

Jared Andersen, County Engineer, presented this contract.

Commissioner Gibson moved to approve the right-of-way contract with Brett Larkin, Parcel 155, for the 12th Street project; Commissioner Harvey seconded.  
 Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

4. **RESOLUTION MAKING APPOINTMENT TO WEBER HOUSING AUTHORITY BOARD – RESOLUTION 14-2017**

Andi Beadles, with Weber Housing Authority, requested reappointment of Rob Bischoff.

Commissioner Harvey moved to adopt Resolution 14-2017 reappointing Rob Bischoff to the Weber Housing Authority Board; Commissioner Gibson seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

G.5 and G.6 was moved under Consent Items.

7. **CONTRACT WITH HONNEN EQUIPMENT CO. FOR TRADE/PURCHASE OF A JOHN DEERE 544K LOADER**

Scott Storey, with County Roads, stated that this is to continue the contract for the third year. It does not cost the county anything to use the equipment.

Commissioner Gibson moved to approve contract with Honnen Equipment Co. for the trade/purchase of a John Deere 544K Loader; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

**H. PUBLIC COMMENTS:** David Wilson, Deputy County Attorney, noted that item G.8 went before the Planning Commission, which recommended approval with its conditions, County Planning has added some conditions, and the Commission may add other conditions pursuant to the county’s ordinance. This is not a legislative matter, but rather an administrative matter. Although the Commission is allowing public comment, it is not a public hearing. All public comments related to this agenda item.

Jill Hipwell, of West Weber, stated that they do not need a PRUD to keep their farming community alive or show people how to grow a garden. They need to be able to support the current farmers, not take away from them. She had heard her little town of West Weber compared to Gilbert, AZ. Throughout the 1990s the Johnston family of AZ sold off portions of their farm to developers and for regional parks, and wanting to preserve their remaining farmland developed Agritopia, but Mr. Johnston expanded with the growth, not before it. According to the Census, Gilbert has more than doubled in growth from 2000-2015, with more population growth than Davis County, although it is 1/8<sup>th</sup> of its size, and has evolved into one of the largest growing communities and largest towns in the U.S., with a very small area. Terakee Village is associated with Terakee Farms, which received its CUP of over 200 homes, which is a lot for that area. She moved to West Weber with the smell of the dairies, open fields, neighbors riding their horses down the street, and supporting the local farmers’ store. She said that the difference between this project and a farming community is personal gain and more tax revenue. She asked if the changes made to overnight rentals would also take affect for the accessory dwelling units (ADUs)/carriage houses, and the commissioners will look into it.

Colonel Claude Blanch grew up in West Weber on the subject parcel. He said the document he had was a Second Judicial District Court decision signed in 7/9/2008 that declared all warranty deeds and stock certificates done by Brad Blanch void and that it issued clear title to 144 acres and 60 shares of irrigation water stock and land to the Five Blanch Property, LLC, equally owned by Harold Blanch, Barbara Stewart, Claude Blanch, Donny Briscoll and Marilyn Royce, and they were issued the 54.1 acres.” Additionally, “the Five Blanch Property, LLC shall own 43 shares of Hooper Irrigation Water Stock” to do with it as they wish. He said that the ownership of this land is owned by the LLC, not by Brad Blanch/Terakee. He read from a letter he said was issued on 10/23/2015 from the UT Division of Corporations’ Director, Kathy Berg, stating that the Division has, with counsel with the Utah Attorney General’s Office, determined that the entity is returned to an expired status due to duration at the end of its first life of September 2008. He stated that the LLC had been declared expired by the State effective 9/2008. He had called Ms. Berg and asked what expired meant, which included cannot conduct business and that all business conducted since 2008 is void. He owns 20% of the LLC, which is not for sale.

John DeGiorgio, who operates the DeGiorgio (dairy) Farms, LLC in West Weber, stated that the introduction of more people and development to this area is tough on dairymen; there are enough problems with nature, but dairy cows and people do not mix. This type of proposed development is not suitable for the unincorporated area. When he has to expand his business, he needs to have the infrastructure in place before he proceeds. He referred to both Terakee projects and said that the county needs to seriously look at the existing infrastructure and what will be needed to accommodate the development because everything is way undersized in both of these two areas.

Jim Bond, of Warren, referred to one of the Commission’s definition of prosperity being country living and stated that is why he moved out there. It used to be cow fields all around his family’s property. When he came home from the Army, property had been sold and about 100 houses were developed in about the size of this proposal and his father was running double sump pumps, the water table had shifted, the roads were enlarged, and there is serious traffic congestion. He pleaded that the Commission look at this for the future as country/rural.

Bruce Rhodes, of West Weber, referred to the earlier presentation and country living being one of the Commission's focus. He has lived in this area 30+ years. Even the new school, a minor change, came with a big sign that lights up the whole neighborhood. Before that, people came to his house to watch meteor showers because it was dark at night. He talked about small cumulative changes that inevitably bring about huge impacts and city atmosphere. He moved to this area for the rural atmosphere. He asked, if possible, that the Commission make a stipulation to keep the lot size at/near the 1-acre that he is living with to keep the country feel.

Ken White, a farmer in West Weber, stated that this area probably has the most farms in the county and they would like to keep it that way, but if farmers continue to be pushed out, the area will look just like Clinton, Roy, etc., where there used to be farms, and they have no choice but to leave. He has been communicating with President Trump, who is concerned about the farms, and had said no farmers should be pushed out of their land under any circumstance. Soon there will be no farms in America and food will have to be shipped from overseas. The county needs the farms and he asked to keep West Weber a farming community, not turn it into a city.

Todd Messerly, of West Weber, lives directly across the street from the development. He is a contractor and supports growth, but where the Terakee Village is located there is a huge traffic problem with Fremont High School. This should be developed responsibly for the neighborhood, and high density housing is not a good fit.

Dennis Costesso, of West Weber, said that if the development is approved there will be an open space requirement and there is a movement by West Weber residents about the need for a non-denominational recreation park and perhaps that requirement could be filled with a park that would not only benefit the development's residents but all of West Weber residents.

Hollis Cabaness, of West Weber, stated that her family settled West Weber, farming is in her blood and her family loves this area. Her husband grew up by the Farmington Bay Bird Refuge where it used to be fields and now is filled with development. When people moved in they did not like the farm smells, the horses, etc., and they had to have sidewalks, lighting, etc. Everything that people grew up with and cherished has disappeared in Farmington. West Weber is simply beautiful and now they want to build this huge development directly across the street from her. Residents love their area and do not want this in their neighborhood because the new people will want to change it. She expressed concerns with traffic and the Fremont students on that road. She asked what will happen to the irrigation ditch, if the development will take property away from the residents to widen the road, etc. The residents have many questions and hope this will be looked at in a common sense manner and not change drastically. Mr. Grover said that the irrigation ditches and flow will be preserved and maintained, and the roads will have to meet county standards, typically 60 or 66-ft. right-of-ways. On public roads there will be sidewalk along 4700 W. and 900 S., and inside the developed area it will be on both sides. He said that the developer is proposing street trees and more dark-sky compliant lighting.

Carissa Hipwell, of West Weber, expressed concern regarding the storm water. They already have problems. She said that there isn't a resident that does not experience flooding every spring, and it seems that this is not being addressed, particularly in light of these huge developments. There is no place for the storm water to go now. There are no storm water drains, only a slough and ditches. There should be a moratorium on building on anything over 1-acre until this issue is handled.

Gary Hood, of West Weber, stated that when the West Weber Elementary was constructed a Texas firm was the project's consultant and went door to door. The consultant told Mr. Hood there would be surface water problems because there was no way to get the water from West Weber to the sloughs and canals. The consultant then discovered that a ditch had been closed off that would take the water from West Weber to the slough/canal. It was subsequently opened. However, the consultant stated that no matter what was done, including opening the ditch, there would still be problems. The West Weber Elementary was going to contribute 25% more water flow into that canal than there was previously. When there is more building and hard surfaces the water cannot sink into the ground and has to go somewhere. This year there was a real storm and the slough overflowed and ran up on his land. The county was considering taking the culver out, which had collapsed. He observed that the infrastructure is not in place for a development of this size. The roads, lighting, access to 12<sup>th</sup> Street, and perhaps even 12<sup>th</sup> Street itself, and surface water problems that will only increase, need to be handled. The canal/slough that takes the water out to the Great Salt Lake has not been maintained in a decade. He recommended that the Commission table this until it has time to look at the infrastructure and surface water problems.

Colonel Blanch stated that the subject land in the geological survey is officially wetlands. Currently, there are two wells that are flowing on that land. The adjoining property has two open ponds that nest ducks. Until the last 10-12 years of his life there was about a 4-acre shallow lake on this parcel that nested birds. His father fought water levels his entire life on this property. It has a very high water table. These are very serious concerns.

Bambi Cutler, of West Weber, is a school bus driver. She expressed concern with things being done in the wrong order. When this development occurs, it will need sewer. The sewer currently runs on 4100 W. and will need to go down 900 S., which will have to be dug up and shut down and will impact West Weber Elementary students. The road is already very narrow and she asked how this situation is to be handled. Residents already experienced the nightmare when sewer was installed on 4100 W.—there was a small path, one-way traffic, mud for days, etc. There are a lot of young children and she is concerned for their safety. She also referred to the storm water issue.

Lane Findlay, of West Weber, stated that this community is a gem in the county with its farms, its people, etc. It has changed little in 150+ years. He grew up in West Layton and has seen what has happened in Davis County—it is a difficult thing. He believes that the concept behind the PRUD ordinance is very sound—taking property used for farming and preserving a portion of that for agriculture land and allowing for homes to be clustered, creating a balance. There is a new ordinance and the community has not had a voice, which is part of the frustration that they are seeing. They have seen this project become very adversarial but it should not invade or overtake a community; it should blend with it. All parties should work together to make this right. This is the first of this type of development in West Weber and it is important that it is done right, and the community should have a voice because it affects the schools, roads, tax dollars, neighborhoods, infrastructure improvements, etc.

Deon McFarland, of West Weber, noted that his family has been there for 158 years. He owns property that borders part of one of the projects and water rights that go through the ditch. He asked if the legal ownership of the property and the wetlands designation—which would require a building permit from the Corps of Engineers—brought up by Colonel Blanch earlier would be addressed.

Bill Davis, of West Warren, noted that the people heard the Commission say they want to preserve agricultural ground, and he asked if such a huge project should really be in an Agricultural Zone and particularly in that area. He sees western Weber County being turned into a city. The residents do not want that. He said that the problem is that the representatives that the people elected have a deaf year to what the residents want.

Douglas Hansen, of West Weber, stated that it is a great place to live. Both of the Terakee projects, particularly Tarakee Village, are highly dense in housing, in a small area, and do not follow the important country living concept mentioned in the State of the County presentation earlier. This goes against most residents' philosophy of western Weber County. The General Plan (ca. 2005) included open space, country living and lifestyle. He believes that the PRUD ordinance included that developers can have "up to" 50% bonus to cluster subdivisions and the Commission can grant less. He is concerned with surface water and it should be a condition that the developer handles. Access and congestion are two other issues. With a senior center there will be a lot more traffic. He recommends a condition that the developer not add to congestion to 4100 W. and 900 S.

Lori Brinkerhoff, of the Hooper City Council, stressed the importance of preserving open space and concurred with all comments made thus far. She noted that as flat surfaces are increased that creates storm water problems. Hooper is fighting a similar fight for preservation of their rural lifestyle and maintaining open space, and they have said no to several high density developments. She agrees with the residents that this type of development is not the type of lifestyle wanted in western Weber County. There is great concern with maintaining our farms, our rural character, open space, etc., and impacts to West Weber residents. She stated that the county is putting inadequate drainage on our schools and expressed concern with the infrastructure.

Ross Herrick, resident of West Weber for 65 years, stated that all those present have concerns and want to keep their community as it is without unnecessary infrastructure. This development is too large. He believes it should be put on the 1-acre basis as he had to do when he built his home. As a community they want to keep the rural living that they have now; that is why they live there.

Evonne Howard, of West Weber, stated that this is not the direction she wants for her community and does not support it. This is creating a conflict by putting people in the country that do not want the same things as those who live there.

Linda Larkin, of West Weber, expressed concerns with the drainage stating that the drain ditches had been filled in and replaced with storm drains. They have found that by filling in the drain ditches, water does not go to the storm drains and a lot of water issues have resulted. She suggested not doing that on 900 S. Water that used to go on a drain ditch now runs down the side of her house and in her back door. She iterated that storm drains are not working and they are not the answer. Storm water is a huge issue and she wonders what will be done about it if more development is brought to the area. Once, when the storm drain was flooding the guy who came to address it said that if it happens again they would just shut down the farmers and they would not be able to water their crops. She stated that this is not the answer—the farmers were there first. Drainage issues need to be fixed first.

Kenneth Greenwell, of West Weber, noted that this development includes one lot for an assisted senior living center and one lot for a charter school. He does not know of anyone in West Weber who is looking for either of these and they cannot be supported by West Weber residents, thus this encourages hundreds of outsiders to come and go down a two-lane road into West Weber. He referred to a charter school in Harrisville Road that when they hold an event there is a tremendous amount of vehicles lined up on a four-lane highway and vehicles can barely get through. 94 units is over-developing on a 59-acre parcel, let alone all the other problems that this causes.

Weston Mitton, of West Weber, stated that his concerns had been already mentioned. He loves to see tractors on the road—sometimes they drop manure. His experience is that people coming into the high density homes do not enjoy that and will start complaining. That much traffic on that little road is a safety concern for all the neighborhood school children, getting to school, etc.

Gordon Carlin, residing on 5900 W., said that one just has to look at the issues created by development around them to see what the residents have been talking about. He referred to the country living addressed in the State of the County, which will all go away when this development goes in; it will completely change the area.

**G.8 CONDITIONAL USE PERMIT (CUP) FOR TERAKEE VILLAGE, A PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) CONSISTING OF 92 RESIDENTIAL UNITS, ONE LOT FOR AN ASSISTED LIVING CENTER AND ONE LOT FOR THE PRIVATE/CHARTER SCHOOL FOR A TOTAL OF 94 UNITS**

Chair Ebert emphasized that staff is merely presenting the information that was submitted on this development and the county is verifying whether the development falls within county code. Rick Grover, County Planning Director, stated that this is located in the A-1 Zone, which allows a standard subdivision with 1-acre lots, a cluster subdivision or a PRUD. Only the latter allows for clustering development with the intent to preserve open space. A small amendment was made to the PRUD ordinance to allow for 50% bonus density and now gives the county more control over architecture, landscaping, etc. The project is on 72 acres.

Brad Blanch, applicant, stated that ownership is full/intact and property owners' contracts are set. He said he wants to be a responsible community member. The cluster ordinance would have left large swaths of unproductive open space. The PRUD ordinance did not provide the same density as the cluster ordinance and was amended to allow up to 50% bonus density and the open space will be useful for agriculture purposes. He cannot leave open space from a financial perspective without having smaller lots. He could have, and it would have been better financially, to cut the development up into 70 one-acre lots, which he would do if his proposal was not accepted. With his two projects, there are 230 acres—200 acres of net developable property. He said that a private agriculture focused-charter school would help alleviate overcrowding at Fremont High. He is fully willing to give the community whatever amount of park that they want for permanent non-denominational dedication for the community's benefit but cannot do it without the PRUD. The architects designing this phase, the University of Utah, Utah State University, and Sumner Swaner are trying to do the right thing ecologically. The survey by the U.S. Division of Wildlife and Fish Services included aerial photography in the early 1980's but no one on the ground, and included splotches of areas. His group is addressing all of those and he feels he can mitigate them.

Ronda Kippen, of County Planning, stated that the applicant applied for a CUP for Terakee Village, a PRUD located at approximately 4700 W. 900 S., West Weber. It is a master plan project consisting of 92 residential units, one lot dedicated for an assisted living center and one lot for a private school for a total of 94 units. The West Central Weber County General Plan supports agriculture and encourages residential cluster-style development with a minimum of 30% open space. The development will be done in multiple phases. Phase 1 will be approximately 21 lots and include the assisted living center, Phase 2 will be approximately 25 lots with the Terakee Village Community Center, Phase 3 will be approximately 28 lots, and Phase 4 will include the charter/private school. The open space in the proposed development labeled "Terakee Farms" will be developed under the agri-tourism ordinance as a separate CUP. The proposal includes access from the existing county road, 900 S., and sidewalk, curb and gutter will be installed along 900 S., 4300 W. and 4700 W. Due to the canal being located to the northern property boundary, an additional road was initially not proposed to stub to that northern property, but after County Planning, Mr. Blanch and the northern property owner met they agreed that continued connectivity is wanted from 4450 W., which is north of the proposed development. This would maintain the county's standard for block widths of a minimum block length of 800 feet. Infrastructure, amenities and a financial guarantee will be evaluated during subdivision review. Ms. Kippen said that the project is to preserve 32 acres of recreation and agricultural open space, which is 56% of the overall development. The project meets the general land use codes. The proposed residential lots range in size from 0.26 acres to 0.51 acres.

Ms. Kippen showed the four parcels under consideration. Two lots are already subdivided and are under Brad Blanch's name. The 14-acre parcel is currently under the ownership of the Mick and Ann Profaizer Trust (Mr. Blanch is under contract to purchase this property) and the remaining 54 acres are under the name of Five Blanch Properties, LLC (Mr. Blanch is under contract to purchase this property also). Commissioner Gibson asked about the title issue and David Wilson, Deputy County Attorney, said that it would be up to a third party to challenge. He had looked at the provided documents, and even though the LLC had been defunct for a number of years, Judge DeCaria's order in 2016 allowed that they could wind up the affairs of the LLC, and this is part of that. Judge DeCaria had set the parameters of the sale and Mr. Wilson said that the Attorney's Office is satisfied where this is at currently. Ms. Kippen said that from the provided documents it appears that the court has mandated the receivership (Jan Farrell) to sell the property. She showed the two layouts of the development, including where the residential units will be located, the agri-tourism, wetlands, etc. The Hooper Irrigation canal runs along the north side of the 54 acre parcel and there will be an easement guaranteeing access to the property owners that have water rights in that canal. There will be a pathway system along the northern property line that will be open to the public. All the streets will be lined with street trees as a qualifying bonus density allowed by code. The Western Weber Planning Commission approved the ornamental lighting recommending option A, and all of the lighting within this development will be night-sky compliant, which is the applicant's proposal.

Ms. Kippen noted that when the subdivision is recorded the code requires a preservation easement for the open space in favor of the HOA, as applicable, the county and the lot owners, to ensure that what has been proposed by the County Commission is what takes place.

The initial request came in for nightly rentals and the Planning Commission was not comfortable with that. The developer agreed to remove that request from the proposal. Ms. Kippen said that if ADUs are granted those will be a mother-in-law type of housing unit. The primary owner has to occupy the primary residence and the ADU can be rented out on a 30+day basis but not on an overnight basis.

Ms. Kippen stated that Mr. Blanch applied to amend the PRUD ordinance in 2016. The Planning Commission, in an open forum, vetted the information and made a recommendation to the County Commission. The Western Weber Planning Commission minutes are posted on the County's website. She noted that noticing for text amendments are published in the local newspaper, on the State website and the County's website 14 days prior to public hearings for the Planning and County Commissions. The Planning Commission had voted unanimously to recommend approval of the PRUD text amendment to the County Commission. The County Commission approved the proposed text amendment to the PRUD ordinance allowing bonus densities up to 50 percent.

Ms. Kippen showed proposed architectural renderings. The Planning Commission unanimously recommended approval of a CUP for Terakee Village, a PRUD, consisting of 92 units, one lot for an assisted living center and one lot for a private/charter school for a total of 94 units (which includes 10 ADUs) subject to all review agency requirements and based on the following conditions:

1. A side facing street corner lot setback at least 20 feet shall be added to the final subdivision plats for review and approval.
2. The 11 lots that will have accessory dwelling units will be identified as a note on the preliminary and final subdivision plats to ensure adequate notice is provided for future property owners.
3. A pathway stubbed to the northern property will be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than 6 feet in width.
4. A complete landscape plan for the non-agricultural parcels, Reflections Park and the trails system shall be submitted with the preliminary subdivision plans for review and approval.
5. A decorative street lighting and street tree design will be submitted with the preliminary subdivision for review and approval.
6. A note will be added to the preliminary and final subdivision plats stating that if an accessory dwelling unit will be utilized for monthly rentals only when the primary residence will be owner occupied.
7. A design review will need to be approved prior to the construction of the assisted living center & private/charter school.
8. A conditional use permit will need to be approved prior to any agri-tourism activities on the agricultural parcels.
9. A note will need to be placed on the final subdivision plat notifying residents in the development that "agri-tourism" is an approved use on the agricultural lots.
10. Sidewalk, curb and gutter will be installed along the applicant's frontage of 900 S. 4300 W. and 4700 W. as part of the development to provide safety for pedestrians along said streets.

11. Coordination with the Weber County Surveyor's Office to ensure monument preservation if a roundabout is constructed at the intersection of 4300 W. and 900 S.
12. Nightly rentals and lockout sleeping rooms shall not be considered an allowed use within Terakee Village PRUD and will be eliminated from the proposal.
13. The owner of Terakee Village guarantees that irrigation water will consistently flow to the property owners residing to the south of the proposed subdivision.

Staff added two additional conditions (#1 replaces the Planning Commission's condition #3) as follows:

1. A road stubbed to the northern property line in a way to continue connectivity with 4450 W. and a road stubbed to the eastern property line near Lot 4.
2. Access to the head gates along the Hooper Canal are preserved and protected in a way to ensure irrigation access to the property owners located to the north of the development.

These two conditions are 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 diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.
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 50% percent bonus density is granted based on the following:
  - a. With an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20% bonus density may be granted.
  - b. For each 5% increment of open space preserved over 50%, a 5% bonus density shall be granted up to the total bonus density allowed.
  - c. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens that are open for use by the general public, up to a 15% bonus density may be granted.
    - i) If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the Planning Commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows: For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20% bonus density may be granted.
5. Agri-tourism is a valuable amenity to the PRUD.
6. The proposal will not be detrimental to the public health, safety, or welfare.
7. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Mr. Grover said that property ownership will be handled at subdivision level. He recommended that the Commission's motion also address traffic/safety during road construction and wetland, drainage, and traffic issues (which will be addressed at subdivision level), that they can consider agri-tourism plus the ability to have a public park on the open space, that the design be brought to the County Commission at subdivision level as well as what amenities would be good for the community as a region, that they clarify the Planning Commission's condition #13 that irrigation be piped and the existing irrigation water system to consistently flow at the current rate, and preserve access to head gates for property owners to the north.

Mr. Grover said that he and Ms. Kippen do not feel comfortable with Mr. Blanch's proposal for connecting the 54-acre parcel with the 14-acre parcel with a sidewalk. The parcels are too far apart. Mr. Blanch said that he did not disagree, that that parcel should be a park, and he agreed with Commissioner Harvey's comment that it fits well with the community. Mr. Blanch said that he did not need that property for the bonus density calculation. The park was in the original design but was taken out for many reasons. When all options are added for density credits what Ms. Kippen outlined was at 60% option even though the max is 50%; if the park is an option it would add 20%.

Commissioner Harvey stated his concerns relating to the school and senior center bringing in more traffic. He appreciates that this is dark-sky compliant, recognizes that hardscape adds more flooding, and that there would be hardscape if the development were done with 1-acre lots. He heard that the residents want to protect their area and he agrees with that. He likes the idea of putting a moratorium of good farm ground that cannot ever be built upon but does not like dictating how private property can be developed. He strongly supports having one big community park on the 14-acre parcel so that the school traffic would be mitigated.



Regarding Phase 2 (the 14-acre parcel), Commissioner Gibson is uncomfortable with combining parcels that are not connected—there are two property owners in between plus public infrastructure and the subdivision code states that it is for “a” parcel. He said it may not affect the bonus density, but it would affect ADUs, and Mr. Grover concurred. Ms. Kippen had stated that 5.3 acres was the only applicable portion of the 14-acre parcel for the density calculations. Mr. Blanch stated that if that 14-acre parcel was excluded, he would not be able put in sidewalk close to the school, that curb gutter and sidewalk would end at the corner of the development.

Chair Ebert wanted to understand the community’s desires, noting that the applicant was ready to move forward with some type of development and the reality is that they could end up with 70 one-acre lots, with traffic congestion, storm water issues, etc., or understand the developer’s financial component and have a development that has positive attributes for the community. Mr. Blanch said that anything below 80 units would default to the 70 one-acre lots. Chair Ebert did not see a dramatic impact to the specific issues that the community had brought up by reducing from 94 units with 11 ADUs to 85 with 3 ADUs. He agrees with the park system but sees value with other community additives—i.e., charter school & assisted living center—however, he expressed concerns with the traffic issues related to these.

Commissioner Gibson moved to approve the conditional use permit for Terakee Village, a PRUD, including staff and Planning Commission’s (PC) recommendations with a couple small provisional changes as follows:

- a) That a road stub to the northern property line in a way to continue connectivity with 4450 W. and a road stubbed to the eastern property line near Lot 4, and that all utilities in the right-of-way be stubbed to the property line as well;
- b) That the owner of Terakee Village guarantees, through a detailed plan, that the irrigation water system will consistently flow at the current rate to the property owners to the south of the proposed subdivision, with a recommendation to come from Hooper Irrigation; that access to the head gates along the Hooper Canal are preserved and protected in a way to ensure irrigation access to the property owners located to the north of the development. The irrigation water will be piped throughout the PRUD and the existing irrigation water flow capacity will be maintained;
- c) The two phases are to remain separate. This CUP is for parcel #s 15-515-0001, 15-515-0002 and 15-048-0037 and does not include Phase 2/the 14-acre parcel #15-059-0026 that is not contiguous. The county at the time of subdivision approval will require a detailed plan to include agri-tourism and/or the design of a public park with a mixture of amenities, preferably more than just a few acres, to benefit the community and should be a significant opportunity, not in place of but and/or, to help mitigate some community concerns and help justify the bonus density granting up to 80 units with 4 ADUs;
- d) Wetland assessment to be completed to address wetland areas, if any, and what mitigation measures are to take place if needed;
- e) Comprehensive storm water master plan to be completed to include a detention basin needed for a 100-year storm and address any outflow deficiencies with existing infrastructure for the project as a whole;
- f) Comprehensive geotechnical study to be completed to address existing road conditions and needed upgrades, if any, and cross sections in which the new roads would be placed within the subdivision;
- g) Secondary water master plan to address existing irrigation water distribution and proposed water distribution, and show proof of water rights to ensure a master plan throughout the development;
- h) Culinary water master plan to be completed to address the proposed water system for the proposed lots and all infrastructure associated with the system for the project as a whole;
- i) Sewer master plan to be completed to address the proposed sewer system for all proposed lots including all infrastructure associated with the system for the project as a whole;
- j) Comprehensive traffic study to address minor and major collector roads associated with the development, all improvements to traffic flow needed due to the subdivision, and to include a plan to mitigate safety, even during construction periods, due to the increased vehicular and pedestrian traffic.

Commissioner Harvey seconded the motion.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

## I. ADJOURN

Commissioner Gibson moved to adjourn at 2:26 p.m.; Commissioner Harvey seconded.

Commissioner Gibson – aye; Commissioner Harvey – aye; Chair Ebert – aye

Attest:

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James Ebert, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor