

## Burton, Steven

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**From:** Kevin Simmons [ksimmons@benchmarkcivil.com]  
**Sent:** Thursday, July 06, 2017 11:49 AM  
**To:** J Rice  
**Cc:** Dale Bennett; Chris Poulsen; Mendoza, Scott P.; Burton, Steven  
**Subject:** [CAUTION]RE: A new document has been added to Winston Park Subdivision  
**Attachments:** Open Space Preservation Plan 7.6.17.pdf

Jay,

See responses below:

1. The Commission had concerns with retention pond easements, to be maintained by Weber County, located on agriculture preservation parcels that are to be individually owned by a lot owner in the subdivision. The Commission felt that the proposed retention pond easements may result in the loss of bonus density granted, as the proposed easements may impact how the owner of the preservation parcels may use them.

The retention ponds are necessary with the release rate for the development restricted to 0.1 cfs/acre and there isn't anywhere else to put them. The only activity otherwise allowed that is being restricted on the parcels containing retention ponds is growing crops. Animals are still allowed and only Parcel A is restricted entirely from containing structures.

2. The Commission had concerns with ownership of the individually owned agriculture preservation parcels. The Commission felt unsure about recommending final approval without knowing how the applicant can ensure that the owners of the agriculture preservation parcels remain owners of lots within the same cluster subdivision.

This is a legal issue that will need to be worked out by an attorney and recorded with the deeds. We have added a statement to the Open Space Preservation Plan under 'Ownership' describing how this situation is to be handled in the event that a residential lot granting ownership privilege of one or more Agricultural Preservation Parcels is sold.

3. The Commission had concerns with the agriculture preservation plan, specifically the structures allowed on the preservation parcels that have proposed retention pond easements. The commission did not understand why the plan does not allow structures on 'Parcel A' but allows them on 'Parcel B' and 'Parcel D'.

As part of the Preservation Plan requirements, we were required to show building setbacks for the Agricultural Parcels on our site plan. Parcels B and D have enough remainder area less the retention pond easements to contain setbacks for structures whereas Parcel A does not.

Thanks,

Kevin Simmons



### **BENCHMARK**

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