Minutes of the Ogden Valley Planning Commission Work Session meeting for February 6, 2018, in the Weber County Commission Chambers, Break-out Room 308, commencing at 5:00 p.m.

**Present:** Jami Taylor, Chair; Laura Warburton,John Howell, John Lewis, Chris Hogge, Stephen Waldrip

**Absent/Excused:** Robert Wood

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Guest: Commissioner Ebert

**WS1.  DISCUSSION:  Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.**

Charlie Ewert said we’re going to start off by discussing the cluster subdivision ordinance and the revisions to that. In the memo I explained in the attached documents the highlighted in blue is new language; all the red lines and blue lines that is not highlighted you have already seen. The Western Weber Planning Commission when they had their last work session, they had a number of questions and people came and participated. The cluster code tries to set something up where we talked about it; and Western Weber individually one acre held preservation parcel. They want to see that go up to five acres with a combination of ten contiguous acres, and that doesn’t mean that it’s going to be agricultural tract. In fact in talking with some developers, it’s pretty common to say this is our open space because it’s unusable. Maybe there is a way we can focus on clustering around quality agricultures soils and do clustering that are capable of being irrigated. I have been working on research, soil sampling, to try and figure out what it’s going to take. My thought is if somebody submits a cluster subdivision concept, they should submit it with a soil map with an analysis of soils analysis that they have on their ground. Their cluster subdivision should not force them to do crop production, but to preserve long term open spaces that can actually support crop production if they decide to do so in the future.

Commissioner Waldrip said that seems challenging to me, because the reality of laying something out and the whole point of the cluster idea is concentration of infrastructure savings and all of that. I would have to see how it applied because those could be a cross board decision very easily. You have this cluster ordinance that already establishes this direction for development and if you overlay it with something else that may or may not and how do you resolve that conflict and what happens then.

Commissioner Lewis said I wouldn’t mind encouraging somebody to do that but as soon as you say you have to, but who knows what the right place to put a house in versus the cow.

Commissioner Waldrip there’s another layer of investigation with your soils and I have no idea how much it costs to test the soils, how big of the area that you’re testing, and what’s the frequency. Mr. Ewert replied in working with the USU Extension to figure out exactly how to answer those questions. Let me navigate you through this as you think about the architecture how the cluster previously describe and most of that is going out, if it’s possible to design around cluster soils. If it’s not possible then maybe we need to have a way to clusters and decide around cluster.

Commissioner Warburton said as I was reading this, I noticed that we were talking about bonus density and we have to insert that into the code. How do we determine that, so I think in the old code that exists you have some means of we want bonuses and how do we achieve that through TDR’s like we do and that would be great. But this is big and overreaching and would require and be difficult to manage. I would defer to the developers and it would be an extra cost to the developers. Mr. Ewert said that out west he is working with a couple of developers who loved the idea; primarily because out west is in an area with close community. My question of the Ogden Valley who is seeking open spaces for the sake of agriculture; we have an agricultural zone, and at what point does that get built up with houses where the open space can’t be farmed.

Director Grover added when it comes down to it, I didn’t see too many clusters up in the valley just because there is no bonus density associated with it. The PRUD’s is the only avenue that they have and this is taken out but the clusters are not. We really need to have one made but right now there is not. I would own the bonus densities that we have now has some terrible language that’s in the current ordinance. It says you get bonus density by meeting the current purpose and intent, and you should already be meeting that, and these are things that need to be spelled out more and defined that.

Commissioner Hogge asked if we’re talking about agricultural space being preserved through a cluster arrangement, there has to be the water that needs to be attached there and not being prevented from being used by the development or it won’t be agriculture. Commissioner Warburton said you mentioned that in here, it’s good and I like that part of it.

Charlie Ewert said as far as the agricultural preservation that’s just in the AV-3 Zone as it applies to the Ogden Valley, everything else would just be whatever any another other cluster you can cluster around the wildlife, the vegetation, or anything that you can cluster. Commissioner Waldrip asked an agricultural preservation easement and open space exempt from property tax. The answer was no. Commissioner Waldrip added if it’s dedicated open space. Mr. Ewert replied if its common area it is not taxed; open space is taxed but it’s the lesser amount of the agricultural rate. Commissioner Warburton said you have to be in conservation and it doesn’t have a Green Belt.

Commissioner Waldrip said conservation easement is not what we’re talking about here. Commissioner Warburton said it could be a bonus if it would be put into an actual conservation easement. Commissioner Lewis said like a PRUD, HOA, common spaces are not taxed, if a subdivision with open space is. Mr. Ewert said it’s not taxed; it’s just transferred to those units.

Miranda Menzies said it’s not taxed, the HOA we don’t pay tax on the road and basically we with have five parcels. In general, the HOA don’t pay taxes except for club houses. Director Grover replied most of it you do not, but there is a club house and things like that, there is a different assessment on those things, but it depends on the amenities but typically they don’t.

Commissioner Lewis said for the most part you’ll end up with these big pieces of land with taxes; there is no additional incentive to farm that farm.

Charlie Ewert went through Section 101-1-7 – Definitions and explained the updated information. There was a brief discussion between staff and the commissioners in reference to soils and open space.

Ron Gleason said on the definition of agricultural soils it may be useful if you talked to USDA. When the Huntsville fish company pressurized a five years ago, parcels of land were able to get grants for various types of irrigation equipment and that based on types of soils that were there that could be preserved or could be developed for crop. The USDA had a well fund program and a well-defined definition of that which would allow parcel owners to get certain types of grants and in some cases 100% funding that you see in the valley. The one thing that I would hate to see is have open spaces that aren’t contained and turn into weed.

Miranda Menzies said on definitions, you have lot of posture is the area that is being considered. As far as I am aware lot of soils depend on soils, and lot of parcel is simply not big enough that a piece of property could possibly be enough, and maybe a group of parcels that an agricultural lands that should be addressed as the whole thing. In many cases up in the benches of the valley I am not sure we have prime agriculture soils anywhere on those parcels. As far as your comments on the HOA is required for a cluster subdivision. Mr. Ewert replied if there is common area dedicated to the HOA. Director Grover added if it’s not then we have a separate parcel with a tax id on it.

There was a brief discussion between staff and the commissioners on TDR’s and bonuses.

Charlie Ewert said Section 108-3-1 no changes. Section 108-3-2 some minor changes. Section 108-3-3 added Supplemental subdivision procedural requirements. This is still part of a subdivision and the subdivision code still applies. Section 108-3-4 added Residential Cluster subdivision and layout standards. Jump down to General lot, street access and amenity design and layout standards. He reviewed the standards to sub-sections a, b, and c. There is a brief discussion between staff and the commissioners on these sections.

Charlie Ewert said Section 108-3-5 Open space plan. If you want to amend your open space plan, that was used to base the approval of the cluster subdivision, you may have to amend the cluster subdivision. This is being removed and your open space is open space and you can amend that at any time that conforms to this code without amending your subdivision. He reviewed the changes to the open space development. There is a brief discussion between staff and the commissioners on these sections.

Charlie Ewert said Section 108-3-7 Lot development standards, this is already been reviewed, and there were no new changes. There was a brief discussion on this section.

Charlie Ewert said Section 108-3-8 Bonus density. No bonus density is allowed in the Ogden Valley, and that is was is current in ordinance. There was a brief discussion on this section between staff and the commissioners in this section.

**WS2.  DISCUSSION:  Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action.**

Charlie Ewert said up in the valley there was a proposal to change the PRUD zone to allow a different type of PRUD. The concern that the Planning Commission expressed that the PRUD code is so open ended, and it’s an administrative decision through a conditional use permit. We can’t deny it, its open ended, so how are we going to tell somebody “no” that really doesn’t mean the intent of the general plan. The proposal is to take it from administrative to legislative. Go to Page 71, Section 108 – Standards – Chapter 5. This was taken out and moving it to Line Item 177 – Chapter 30 – Planned Residential Unit Development (PRUD) Overlay Zone. It’s moving from Section 108 to Section 104 Zones – Overlay Zone. We’re trying to make this an enabling zone, Enabling PRUD Master Plan Community to exist by County Commission action through Planning Commission recommendation. After a brief discussion with Planning Commission and staff, it was suggested that County Commission be the approving body. Mr. Ewert said he would continue working on this and will bring this back.

**WS3.  DISCUSSION:  Modifications to the definition of “Height of Building” and additional clarification regarding standards and regulations governing the height of a building and Public Utility Substation.**

Charlie Ewert said the next one is on “height” and we talking a little bit about cell tower aesthetics. How would you feel if we only requested the aesthetics within a quarter mile of those village zones in our general plan map as opposed to requiring it everywhere? One of the concerns that Western Weber Planning Commission brought was right now you have a cell tower, and you are so used to seeing them like a telephone pole, you don’t actually see it. But if you turn it to a water tower or a clock tower, then all of a sudden it’s something to look at. Director Grover asked do we want to provide these features throughout the area that just creates a lot of clutter. After a brief discussion with the Planning Commission and staff; Mr. Ewert suggested having some kind of waiver and the Planning Commission liked that idea.

**4. Public Comment for Items not on the Agenda:** None

**5. Remarks from Planning Commissioners:** None

**6. Planning Director Report:** None

**7. Remarks from Legal Counsel:** None

**8. Adjournment:** The meeting was adjourned at 7:15 p.m.

 **Respectfully Submitted,**

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 **Kary Serrano, Secretary;**

 **Weber County Planning Commission**