

MEMORANDUM

DATE: April 4, 2019

TO: Matt Wilson
Weber County Attorneys Office

RE: Response to Weber County Planning Office Last Minute Notes Posted to Miradi April 2, 2019; Terakee Village PRUD Phase 1

FROM: Brad Blanch
Terakee Properties LP

Communication from Ms. Ronda Kippen at the direction of Mr. Rick Grover, within the Weber County Planning Office, was posted to Miradi on April 2, 2019. No other posting to Miradi from the Planning Office has been completed since the Phase 1 preliminary plan approval Notice of Decision letter was posted on December 13, 2017. The following comments and documentation requirements should be posted to Miradi despite the fact that final plan drawings for Phase 1 were delivered to the Planning Office on November 27, 2018:

1. It is clear that the Planning Office review dated and posted to Miradi was not based on the most recent plan designs from Great Basin Engineering:
 - a) Final Plat Design was submitted to the Planning Office on March 22, 2019.
 - b) Temporary Turnarounds were included on the March 22nd design submitted.
 - c) The redline edits from the Planning Office dated April 2, 2019 confirm landscape plans have been approved “with landscape plan that was approved @ CUP and prelim. [referring to preliminary approval granted on December 12, 2017].”
 - d) The easement for the Hooper Irrigation canal was included in the March 22nd design submitted. It is important to note that Hooper Irrigation does not own the property where the canal easement is located. It is privately owned and will be part of the approved agri-tourism portion of Terakee Farms.
 - e) The construction details of the trail were included and approved during preliminary plan review on December 12, 2017. However, “Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements” in section 108-1-4 referenced by Ms. Kippen.
 - f) Wetland areas are under the jurisdictional direction of the U.S. Army Corp of Engineers and not the Weber County Planning Office; including their mitigation and uses as detention ponds or other approved uses.
 - g) Open Spaces A & B were approved on December 12, 2017 as “detention areas.”

2. Documentation must be provided by the Planning Office showing any conditions that were deferred “from the CUP process to the final subdivision point.” He said, she said comments are not acceptable:
 - a) Weber County Commission Notice of Decision letter dated April 21, 2017; and,
 - b) Western Weber Planning Commission Notice of Decision letter dated December 13, 2017.
 - c) Landscape, street lighting, and street tree plans were submitted and approved during the preliminary plan approval process as required in the Western Weber Planning Commission Notice of Decision letter dated December 13, 2017, and Ms. Kippen’s acknowledgement on redline edits dated April 2, 2019. There is no documented, required or approved “deferral.”
 - d) Per Weber County LUC 108-1-3 “For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met. Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4.” There will be no new application or review; however, developer will ensure the requirements of this chapter are met during construction.
 - e) All open spaces within Terakee Village PRUD will be privately owned and maintained and not granted or dedicated to Weber County or a Home Owners Association; including Phase 1 open spaces A, B, C, D, agricultural/agri-tourism, and park strips.
3. An updated draft copy of the Covenants, Conditions and Restrictions (CC&Rs) inclusive of the Agricultural Plan and Open Space Preservation Plan, were provided to the Planning Office on April 2, 2019 but have not yet been posted to Miradi. The initial CC&Rs, inclusive of the Agricultural Plan and Open Space Preservation Plan were provided to the Planning Office on March 6, 2019.