

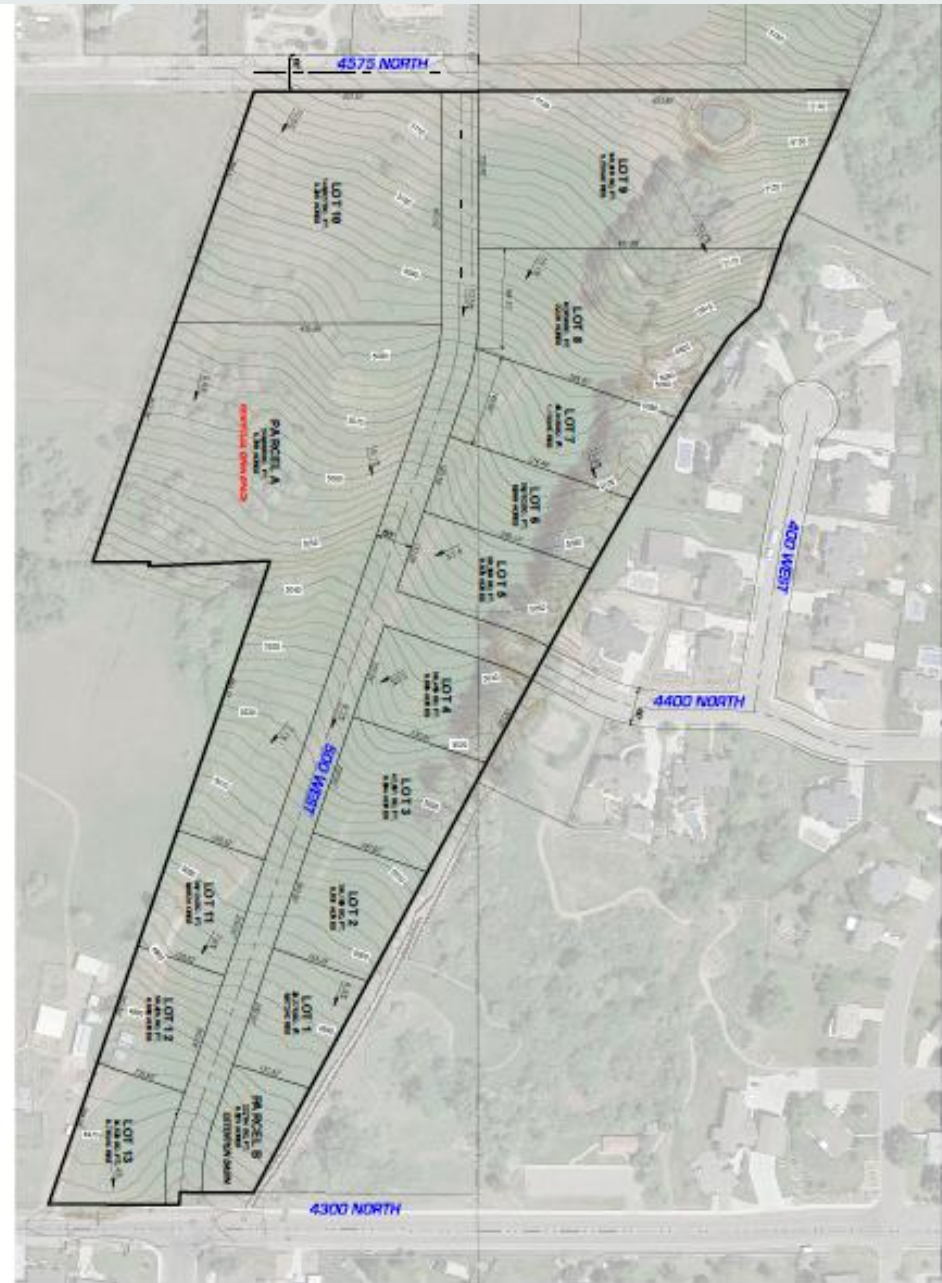


Christofferson Ranch

Development Agreement

Concept Plan

- 13 lots
- Road Connectivity - 500 West and 4400 North
- Shared detention basin with adjacent property owner (Titus 415 W 4400 N)
- Proposed Rural road section on 500 West
- Bark trail connecting Wadman Park to 4400 North
- 5' asphalt trail - 500 West from 4400 North to 4575 North



Development Agreements

Effective 5/1/2024

10-9a-532. Development agreements.

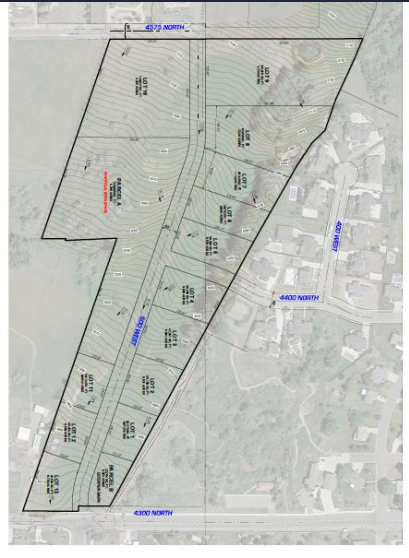
- (1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter, including a term relating to:
 - (a) a master planned development;
 - (b) a planned unit development;
 - (c) an annexation;
 - (d) affordable or moderate income housing with development incentives;
 - (e) a public-private partnership; or
 - (f) a density transfer or bonus within a development project or between development projects.
- (g) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:
 - (i) this chapter; and
 - (ii) any applicable land use regulations.

A development agreement cannot be required of someone who wishes to develop property unless the developer wishes discretionary approvals from the municipality or county involved.² A development agreement cannot bind the government entity involved to enact future land use regulations or to change the zoning designation of a parcel of land.³ If zoning or regulation changes are desired, they should be made before the execution of the development agreement.

Staff Comments

1. Developer's Responsibilities.

Developer shall be responsible for the following:



PROJECT DATA

ZONING:	A-2
OVERALL PROPERTY:	26.340 AC.
RESIDENTIAL LOTS:	13
TOTAL LOT ACREAGE:	17.156 AC. (65.14%)
PARCELS:	2
A - PERPETUAL OPEN SPACE:	5.709 AC. (21.67%) (Privately Owned and Maintained)
B - WATER RETENTION & RECHARGE AREA	0.523 AC. (1.99%)
TOTAL ACREAGE:	7.418 AC. (23.66%)
RIGHT OF WAY DEDICATION	2.949 AC. (11.20%)

$$26.34 - 2.949 = 23.391 / 2 = 11.7 \text{ lots}$$

a couple of thoughts:

1. technically, the ROW should be more like 3.207 acres since 500 West should be 66' width
2. could negotiate #1 to say that the 0.28 add'l acres won't be used in calcs, that then leaves the 11.7 lots.

Developer's Language

1.1 Subdivision Layout

d. Maximum number of lots shall be calculated as: the overall Property area of 26.33 acres divided by 2 acres. Maximum number of lots would be 13.

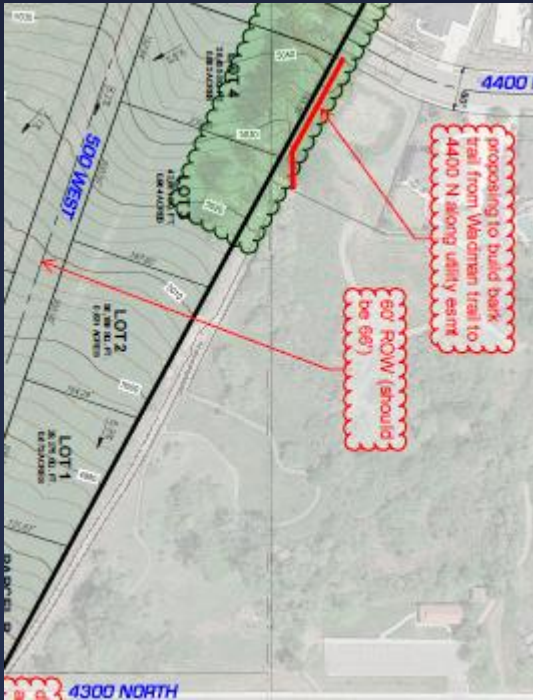
Staff Notes

Lot sizes do not include road rights-of-way. If subdivision remains A-2 (without cluster), maximum number of lots would be 11.

- 18.35.040 Cluster Developments contains no allowances for bonus density.

Staff Recommended Language

Maximum number of lots shall be calculated as: the overall Property area of 26.33 acres *minus all road rights-of-way and detention pond parcel area*, divided by 2 acres. Maximum number of lots would be 13.



Staff Comments

1. Developer's Responsibilities. Developer shall be responsible for the following:

Subdivision Layout

Developer's Language

1.1 Subdivision Layout

g. The Developer shall construct, and dedicate to the city, a bark trail connecting Wadman Park to 4400 North (over top the existing utility easement of Lot 13 Mt. Majestic Subdivision) and an asphalt trail from 4400 North to 4575 North.

Staff Notes

Existing utility easement is not an access/trail easement, and Developer cannot commit to constructing/dedicating this without the permission from the current property owner and the execution of an access/trail easement.

- Proposal excludes any trail or sidewalk along 500 West between 4300 North and 4400 North.

Staff Recommended Language

The Developer shall construct trails and sidewalks as per the road cross sections as further described in Section 1.2.



Staff Comments

1. Developer's Responsibilities. Developer shall be responsible for the following:

Subdivision Layout

Developer's Language

1.2 Roadways

a. 4300 North Road – Developer shall:

- i. Design and construct any necessary improvements as designated by the City's *Development, Design, and Construction Standards*. This would include an 8' wide sidewalk, curb and gutter, and asphalt extension from front of curb to existing asphalt on 4300 North to the western boundary of the property line.

Staff Notes

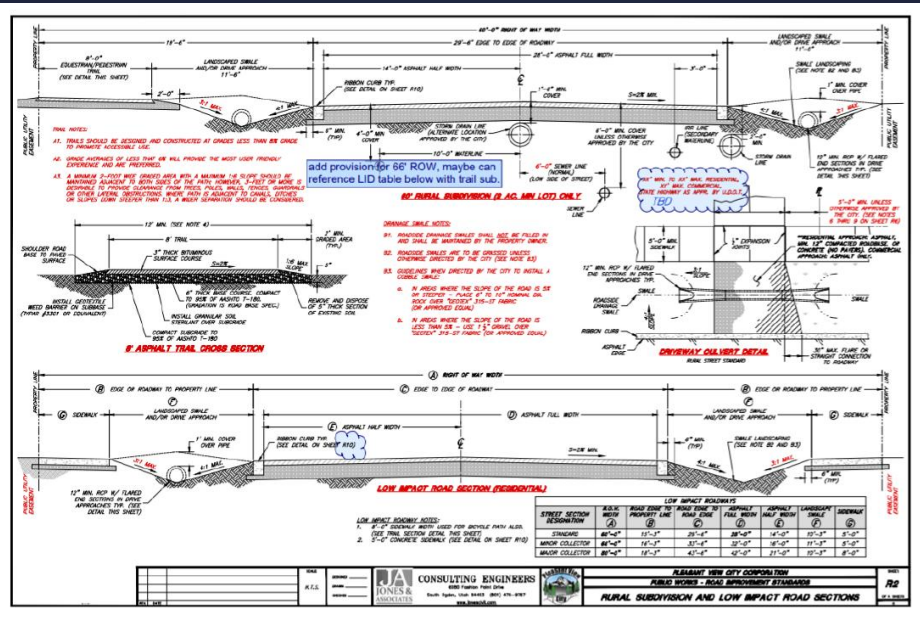
Developer is required by City ordinance §17.18.010.2 to incorporate elements of City's Master Street Plan into the development design.

Second sentence of developer's item i (specifically, 8' wide sidewalk) does not match to existing or conform to proposed improvements along 4300 North.

Staff Recommended Language

- i. Dedicate the necessary 4300 North right-of-way as requisite per the adopted Master Street Plan during the subdivision process.

- li. Design and construct any necessary improvements as designated by the City's *Development, Design, and Construction Standards*. ~~This would include an 8' wide sidewalk, curb and gutter, and asphalt extension from front of curb to existing asphalt on 4300 North to the western boundary of the property line.~~



Developer's Language

1.2 Roadways

b. 500 West Road – Developer shall:

Dedicate a 60-feet wide right-of-way extending from 4300 North Road to 4575 North Road.

Design and construct a 60-foot wide rural roadway as detailed in Exhibit C.

a) Pavement Width: The roadway shall have a total paved width of 28-feet, measured from edge to edge of the asphalt or concrete surface, excluding curb. (see updated Public Works Standard Sheet attached)

b) Curb Design: The roadway shall include two (2) 9" wide flat curb constructed in accordance with city engineering standards, to provide edge protection and support for the pavement structure while allowing for proper stormwater runoff.

Trail Requirements: An asphalt trail shall be constructed on the west side of 500 West from 4400 North to 4575 West within the right of way road dedication. The trail shall have a minimum width of five (5) feet, including appropriate curb ramps at intersections and designated pedestrian crossings.

Staff Comments

1. Developer's Responsibilities. Developer shall be responsible for the following:

Staff Notes

Developer's width of 500 West does not conform to the City's Master Street Plan; therefore, it is in violation of City ordinance §17.18.010.

Staff recommends not including subparagraphs a and b as this detail is provided in proposed Exhibit C.

Staff recommends installation of the trail the full length of 500 West, from 4300 North to 4575 North; the width of the trail to be wider than a standard sidewalk, as it is intended to be a multi-use trail and there is only trail on one side of the road. Subparagraph iii may be struck out entirely as the trail standards are contained in the exhibit.

Staff Recommended Language

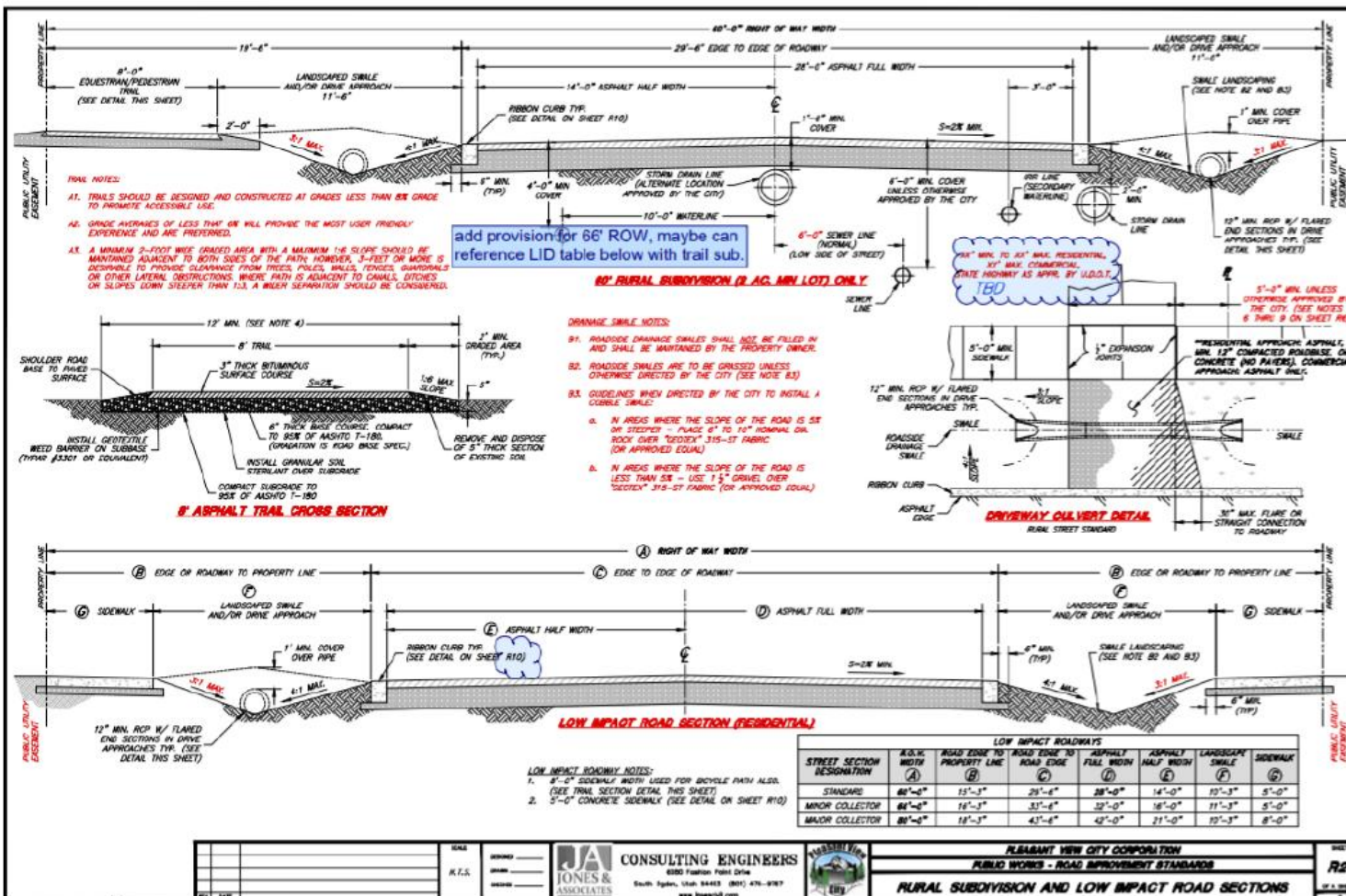
a. Dedicate a 66-foot wide right-of-way extending from 4300 North Road to 4575 North Road.

b. Design and construct a 66-foot wide rural roadway as detailed in Exhibit C.

a) Pavement Width: The roadway shall have a total paved width of 28 feet, measured from edge to edge of the asphalt or concrete surface, excluding curb. (see updated Public Works Standard Sheet attached)

b) Curb Design: The roadway shall include two (2) 9" wide flat curb constructed in accordance with city engineering standards, to provide edge protection and support for the pavement structure while allowing for proper stormwater runoff.

c. Trail Requirements: An asphalt trail shall be constructed on the west side of 500 West from 4300 North to 4575 West within the right of way road dedication. The trail shall have a minimum width of eight (8) feet, including appropriate curb ramps at intersections and designated pedestrian crossings.





Staff Comments

1. Developer's Responsibilities. Developer shall be responsible for the following:

Subdivision Layout

Developer's Language

1.2 Roadways

c. 4400 North Road – Developer shall:

Dedicate a 60-feet wide right-of-way extending from its current terminus westwards to 500 West.

Design and construct 60-foot-wide road to match existing road on 4400 North.

Staff Notes

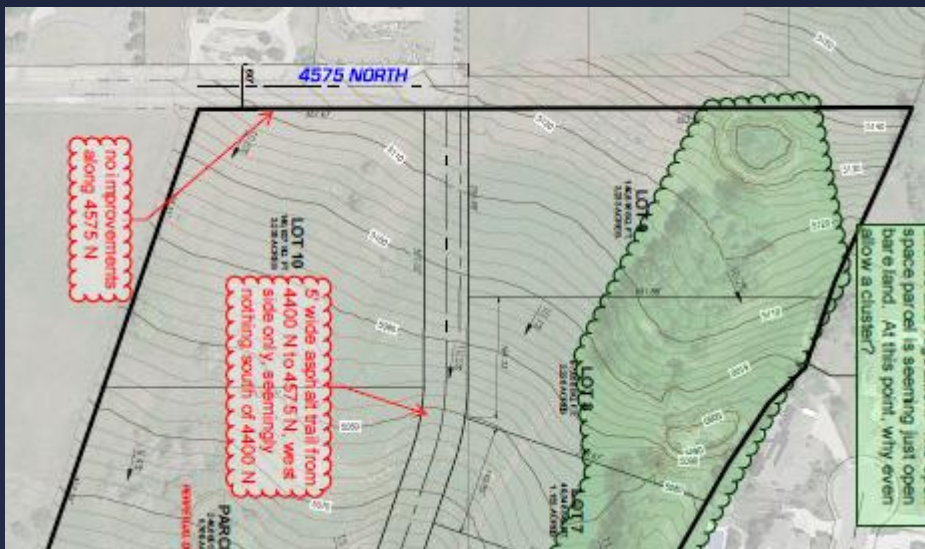
Staff recommends that the 4400 West right-of-way extend to the western boundary of the subdivision in accordance with City ordinance §17.18.010: "...make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided...)"

At the Council's discretion, construction of 4400 North west of 500 West could be omitted.

Staff Recommended Language

i. Dedicate a 60-feet wide right-of-way extending from its current terminus westwards to *the west boundary of the subdivision*.

ii. Design and construct 60-foot-wide road to match existing road on 4400 North, *from its current terminus to 500 West*.



Staff Comments

1. Developer's Responsibilities. Developer shall be responsible for the following:

Subdivision Layout

Developer's Language

1.2 Roadways

d. 4575 North Road – Developer shall:
Developer has omitted this paragraph

Staff Notes

Staff recommends that the south half of 4575 North adjacent to the subdivision boundary be improved to the proposed rural road section standard.

Staff Recommended Language

i. Improve the existing half of 4575 North Road adjacent to the subdivision boundary in accordance with Exhibit C.

Staff Comments

Developer's language:

1.4 – Special Subdivision Requirements

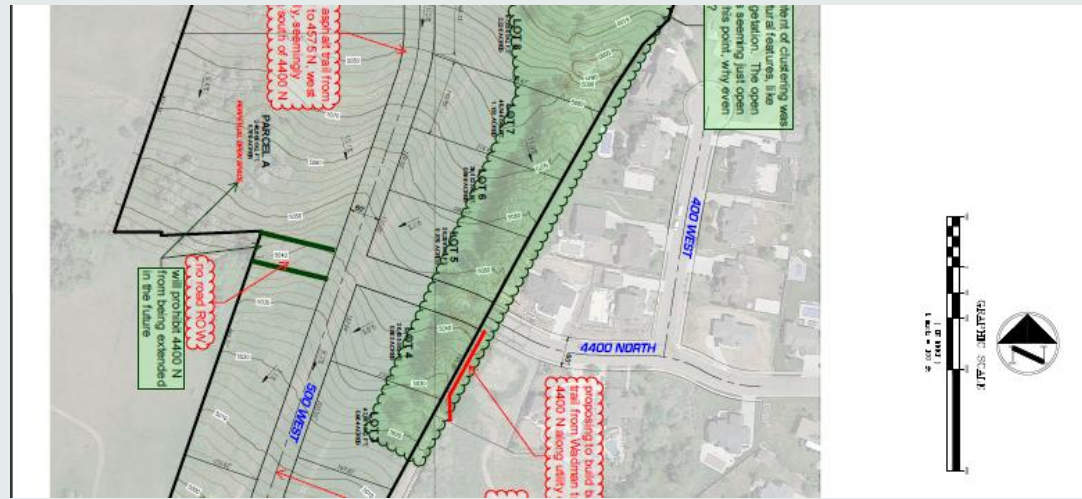
a. Subdivision Dedication

- i. Developer shall preserve Parcel A as a perpetual open space in accordance with §18.35.040.G. Perpetual preservation will be accomplished by recording the Dedication Agreement with Weber County as outlined in Attachment D on the final plat.
- ii. The Developer shall be responsible for maintaining Parcel A as nature scape for wildlife preservation, agricultural, educational, and recreational purposes. Specific maintenance obligations include but are not limited to fertilization, mowing, fence maintenance and outbuilding maintenance if applicable.

b. Wetlands, as shown in *Aquatic Resources Delineation Christofferson Farm Pleasant View, Utah, May 2022*, prepared by Wetland Resources (Logan, Utah), on file with the City, shall be shown on the subdivision plat.

c. Landscaping requirements:

- i. Developer shall secure from Pineview Water Systems secondary water for a minimum of ½ acre of landscaped yard per lot.
- ii. A deed restriction shall be placed on the final recorded plat limiting the amount of irrigatable area to 10,000 sf. The remaining yard areas shall be xeriscaped or maintained as natural landscape with no irrigation.
- iii. Open space shall not be irrigated with culinary or Pine View secondary water. Developer may irrigate open space with surface water rights owned by Developer.
- iv. Each lot owner shall submit a landscaping plan from a licensed landscape architect to the Developer. Any additional water required above the ½ acre minimum will be provided by the individual lot owner.



Staff Notes

- Regarding subparagraph a.ii – Ordinance §18.35.040 G states that open space shall be preserved for “recreation and/or open space”; no provisions for agricultural, education, or building purposes are listed in the ordinance.
- Regarding paragraph c – City has not yet confirmed with Pineview Water System the irrigation requirements/restrictions. Subparagraph iv is not binding via this development agreement.

Staff Recommended Language

a. Subdivision Dedication

i. Developer shall preserve Parcel A as a perpetual open space in accordance with §18.35.040.G. Perpetual preservation will be accomplished by recording the Dedication Agreement with Weber County as outlined in Attachment D on the final plat.

ii. The Developer shall be responsible for maintaining Parcel A as nature scape for wildlife preservation, agricultural, educational, and recreational purposes. Specific maintenance obligations include but are not limited to fertilization, mowing, fence maintenance and outbuilding maintenance if applicable.

b. Wetlands, as shown in *Aquatic Resources Delineation Christofferson Farm Pleasant View, Utah, May 2022*, prepared by Wetland Resources (Logan, Utah), on file with the City, shall be *protected with easements* shown on the subdivision plat.



Staff Comments

- 1. City's Responsibilities.
- 2. The City shall be responsible for the following:

Subdivision Layout

Developer's Language



Staff Notes



Staff Recommended Language

2.1 Water Infrastructure

- a. City shall reimburse Developer for the relocation of the existing water infrastructure following the 500 West road alignment. Relocation includes the installation of new 10-inch PVC water line and abandonment in place of existing water line; construction of new pressure reducing valve station and abandonment in place of existing station; all disconnections of existing water line at 4575 North and 4300 North, and connections of new 10-inch water line at 4575 North and 4300 North.
- b. City shall vacate all rights to the existing water line easement, whether written or prescriptive, upon recordation of the subdivision plat.

Since a detailed subdivision layout showing the existing water line and the proposed road rights-of-way and infrastructure improvements has not yet been developed, the City is unable to determine whether or not the existing water line should be replaced.

Staff recommends omission of this section at this time. If replacement of the water line is determined warranted during the review of the improvement plans, then an amendment to this development agreement or a subsequent agreement with the developer may be proposed.

Omit



Staff Comments

1. Developer's Responsibilities. Developer shall be responsible for the following:

Subdivision Layout

Developer's Language

2.2 Storm Water

a. City shall accept proposed subdivision's storm water detention pond parcel upon the recordation of the subdivision plat. The size of the parcel will be determined by the calculation of storm water detention required for the added hardscape within the development.

Staff Notes

Minor language addition suggested

Staff Recommended Language

a. City shall accept proposed subdivision's storm water detention pond parcel upon the recordation of the subdivision plat. The size of the parcel will be determined by the calculation of storm water detention required for the added hardscape within the development **per the City's Development, Design, and Construction Standards.**

Staff Comments

General Provisions to End

These sections have not yet been reviewed by the City Attorney.

- Section 4 – Staff recommends adding a term and/or expiration of the agreement.
- Section 8 – Staff recommends adding contact information for Matthew and Christa Montano Family Trust.
- Section 10 – Add Attachment 4 – Open Space Preservation Easement
- Staff recommends adding a clause as to whether or not this agreement is transferrable.

Additional Staff Comments

Additional Staff Comments:

1. Council should consider whether this proposal meets the intent of the Cluster Subdivision Ordinance as a whole.
2. Council could consider allowing for the calculation of the number of lots by using the base residential right-of-way width of 60-feet versus the Master Planned width of 66-feet of 500 West.
3. Previous iterations of the agreement included the City's appraisal and purchase of the additional 6-feet of right-of-way along 500 West.
4. The Open Space preservation language proposed by developer:
 - a. Includes uses not listed in the City's ordinance,
 - b. Allows for building construction, and
 - c. Would prohibit any future extension of 4400 West if the right-of-way is not currently dedicated.
5. Staff is developing a proposed rural street section for this subdivision and subsequent use. A cross section for a 66-foot Rural Road cross section would contain the same pavement improvements as shown in the Low Impact Road Section.