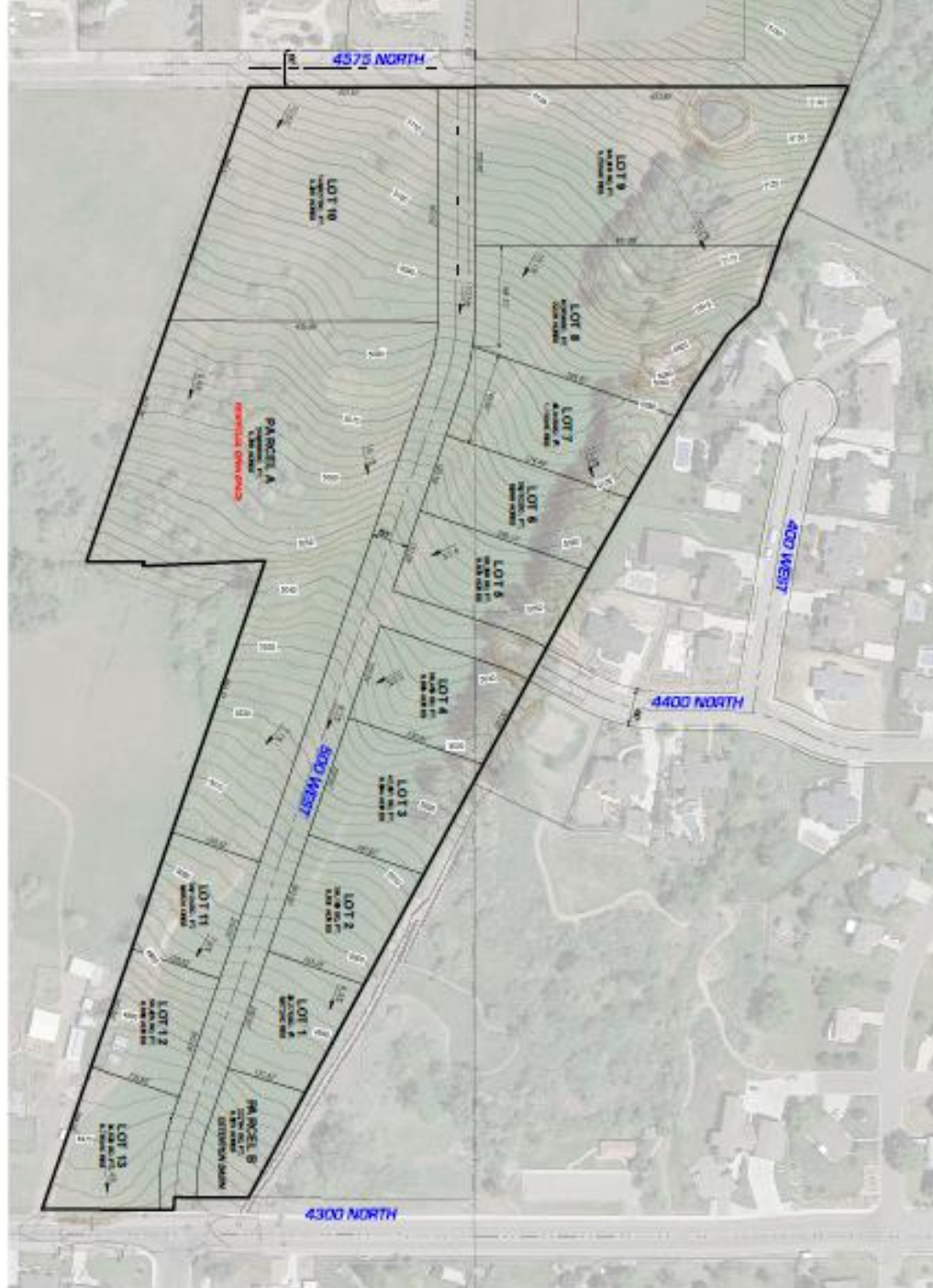




# Christofferson Ranch

Development Agreement



# Concept Plan

# 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.<sup>2</sup> 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.<sup>3</sup> 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:	17.158 AC. (65.14%)
PARCELS:	2
A - PERPETUAL OPEN SPACE: (Privately Owned and Maintained)	5.708 AC. (21.67%)
B - WATER RETENTION & RECHARGE AREA	0.583 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 0.26 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.

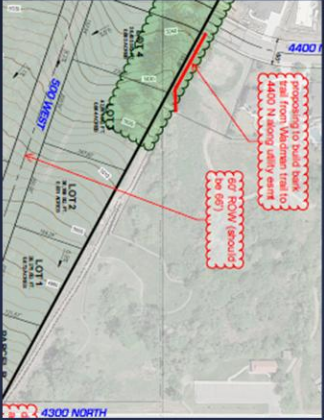
- 18.35.040 Cluster Developments contains no allowances for bonus density.

### 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.

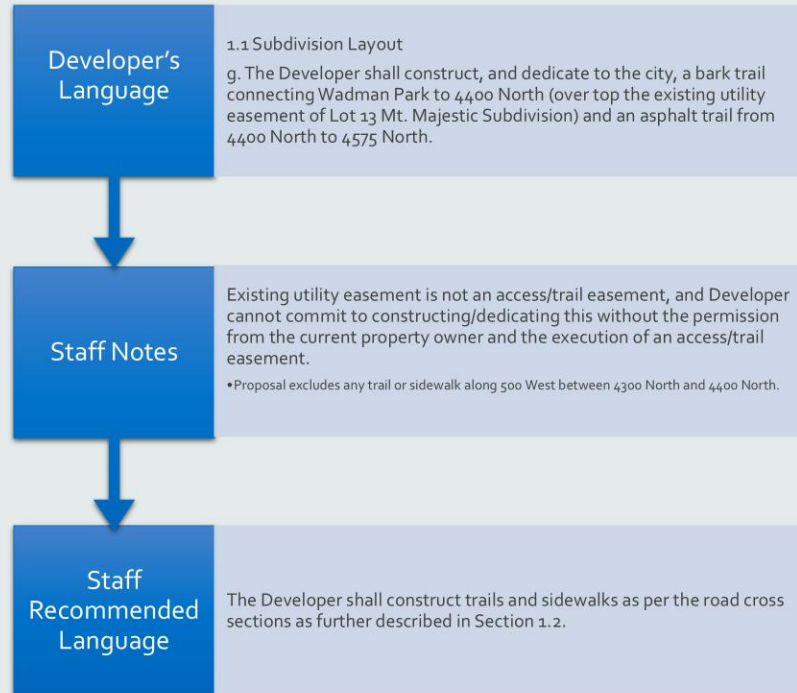
# Issue: Density

# Developer Changes: None



## Staff Comments

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



Issue:  
Existing Easement  
is not indicated for  
a trail

Developer  
Changes:  
Will obtain trail  
easement from  
property owner



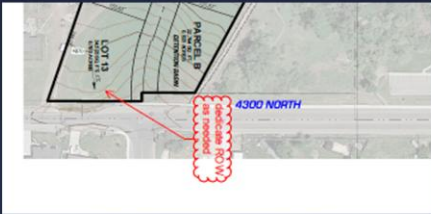
## Staff Comments

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

Developer's Language	1.1 Subdivision Layout h. Sensitive Lands Protection: The subdivision layout shall take into account the surrounding environment, particularly sensitive lands, wetlands, and ecologically sensitive areas.
Staff Notes	Items listed in City ordinance §18.35.030, "natural and scenic environmental features including wetlands, drainage courses, ridge line, slopes, trees, rock outcroppings, natural trails, and other special features," are seemingly <u>not</u> being provided protection.
Staff Recommended Language	None

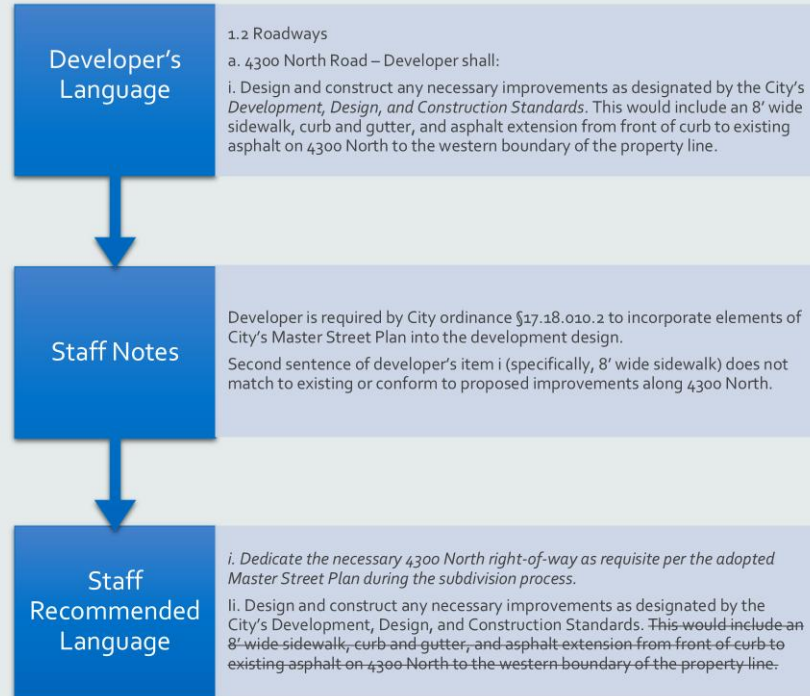
Issue:  
Does proposed subdivision meet objectives of a "cluster" development

Developer Changes:  
None



## Staff Comments

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



Issue:

Easement needed for continuation of 4300 North.

Extra unnecessary language.

Developer Changes:  
Provided proof PVC has obtained such R.O.W. easement.

Unnecessary language removed.

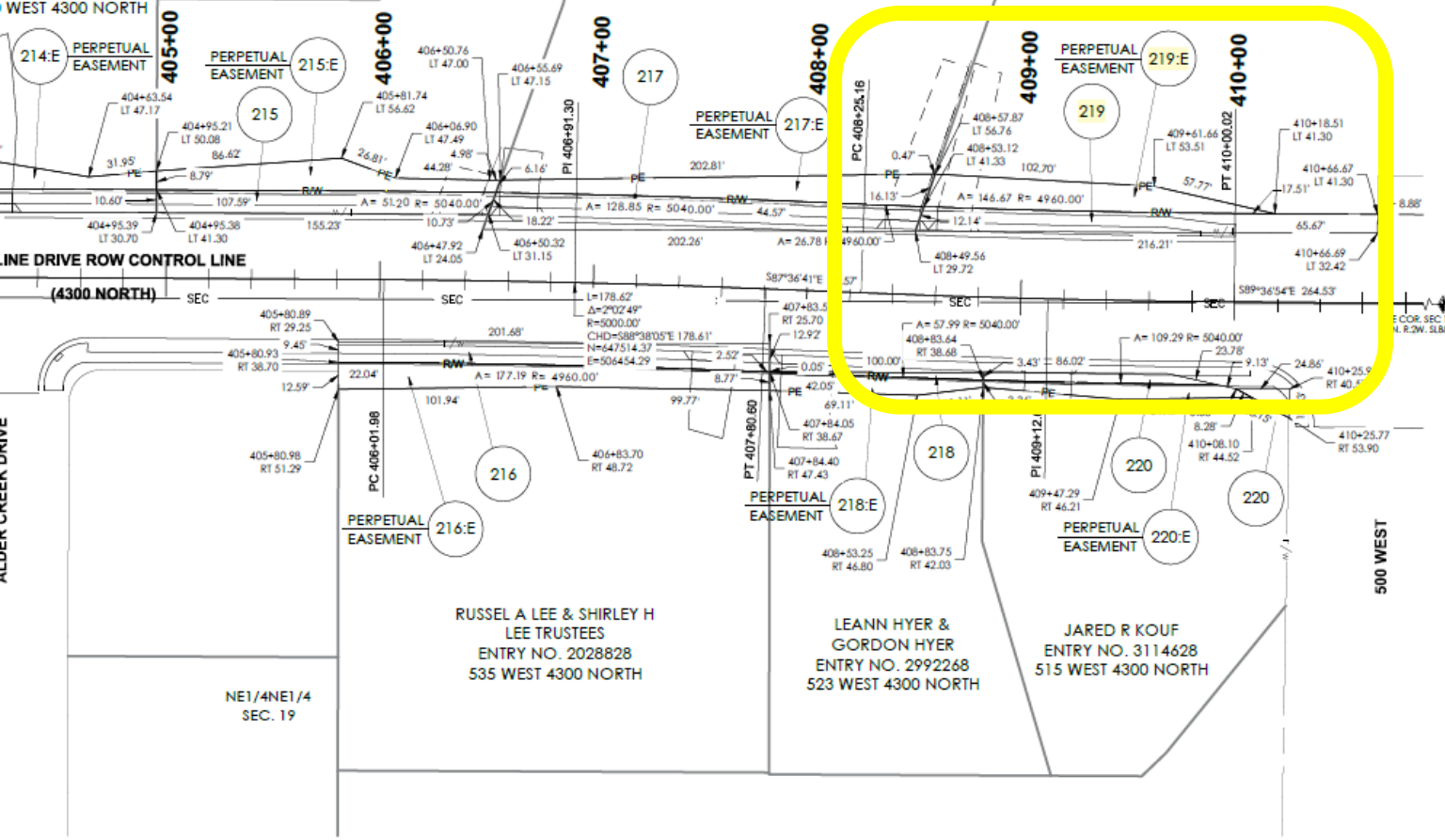
NET AC.	SQ FT	EXIST. R/W AC. IN DEED	OWNERSHIP ACREES	REMAINING AC. LEFT	RIGHT
0.147	6,394		5.075	4.928	NONE
0.214	9,312				PERPETUAL
0.041	1,779		2.016	1.975	NONE
0.052	2,256				PERPETUAL
0.038	1,643		2.902	2.864	NONE
0.037	1,597				PERPETUAL
0.049	2,128		0.92	NONE	0.87
0.049	2,124				PERPETUAL
0.069	2,987		5.00	4.93	NONE
0.047	2,046				PERPETUAL
0.004	185		0.47	NONE	0.47
0.017	759				PERPETUAL
0.047	2,061		12.41	12.36	NONE
0.042	1,822				PERPETUAL
0.014	592		0.50	NONE	0.486
0.016	713				PERPETUAL

SCOTT & KADEE A.  
SKAGGS  
ENTRY NO. 3189638  
WEST 4300 NORTH

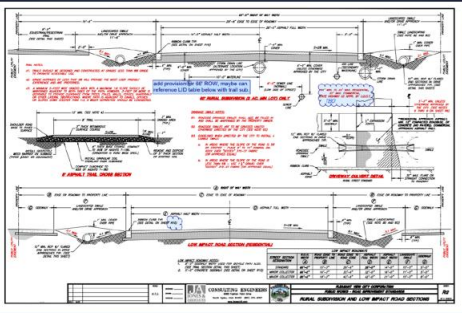
ZACHARY S. THON  
ENTRY NO. 3055017  
606 WEST 4300 NORTH

BRAD K. & JENNIFER  
SMITH JONES  
ENTRY NO. 1736352  
540 WEST 4300 NORTH

MATTHEW AND CHRISTA  
MONTANO FAMILY TRUST  
ENTRY NO. 3333260  
APPROX. 500 WEST 4300 NORTH



Recorded with  
Weber County  
03/17/2025



Staff Comments

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

Developer's Language

Staff Notes

1.2 Roadways  
b. 500 West Road – Developer shall:  
Dedicate a 60-foot 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) 3" 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.

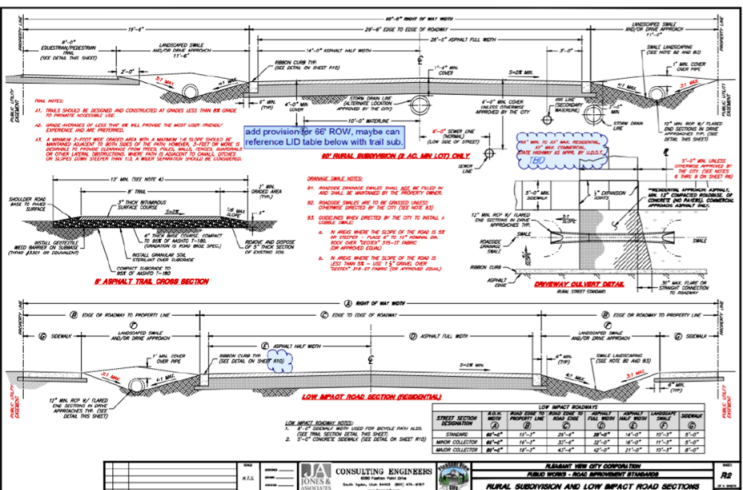
Developer's width of 500 West does not conform to the City's Master Street Plan; therefore, it is in violation of City ordinance §17.18.010.  
Staff recommends not including subparagraphs a and b as this detail is provided in proposed Exhibit C.  
Staff recommends installation of the trail the full length 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.

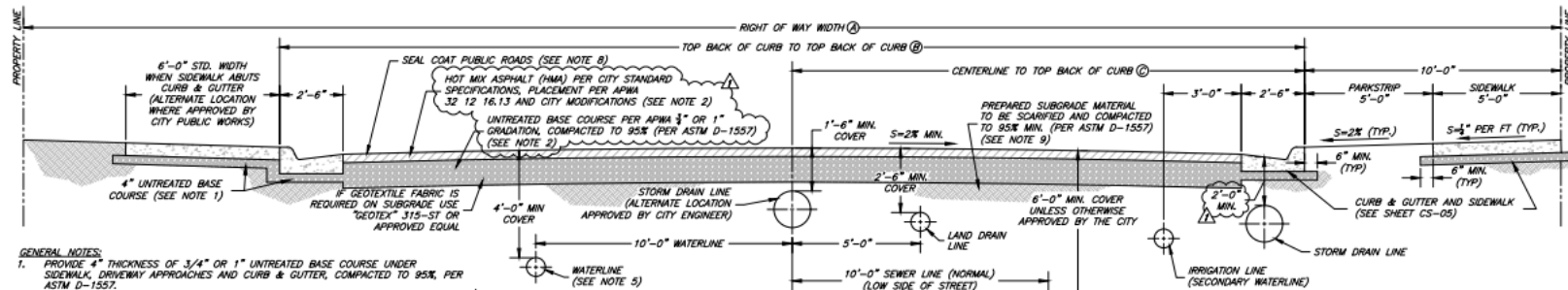
Staff Recommended Language

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) 3" 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.

Issues:  
Rural road cross-section not adopted.  
60' width does not meet master street plan.

Developer Changes:  
60' "standard" road section, with sidewalk on only one side.





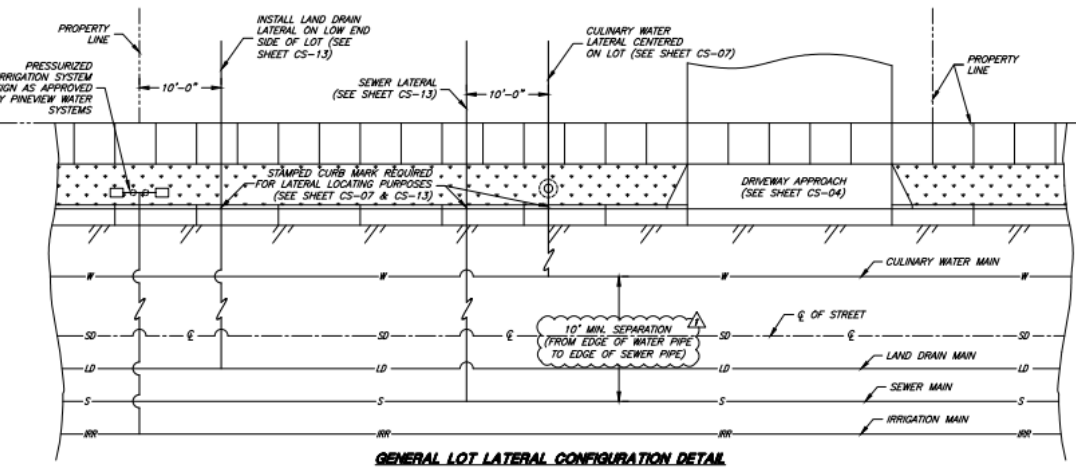
- GENERAL NOTES:**
1. PROVIDE 4" THICKNESS OF 3/4" OR 1" UNTREATED BASE COURSE UNDER SIDEWALK, DRIVEWAY APPROACHES AND CURB & GUTTER, COMPACTED TO 95%, PER ASTM D-1557.
  2. PAVEMENT COMPONENT THICKNESSES SHALL BE DETERMINED BY THE GEOTECHNICAL ENGINEER BASED ON A DETAILED SOILS ANALYSIS AND USING THE MINIMUM DESIGN PARAMETERS AS FOUND IN APPENDIX B, AND APPROVED BY THE CITY ENGINEER. THE ABSOLUTE MINIMUM PAVEMENT SECTION IS 3-INCH THICK HMA WITH 8-INCH UTBC. IF NO GEOTECHNICAL REPORT IS AVAILABLE (EMERGENCY SITUATION, ETC.), 4-INCH THICK HMA WITH 12-INCH THICK UTBC SHALL BE USED.
  3. ALL ROAD CUTS SHALL BE PATCHED PER CS-04 AND CS-12.
  4. CURB & GUTTER AND SIDEWALKS SHALL BE CONSTRUCTED USING FIBER REINFORCED CONCRETE AND IN COMPLIANCE WITH PLEASANT VIEW CITY TECHNICAL SPECIFICATIONS AND THESE DRAWINGS.
  5. ALL CULINARY WATER MAINS AND SERVICES MUST MAINTAIN A MINIMUM SEPARATION FROM ALL SEWER MAINS AND LATERALS OF 10'-0" HORIZONTAL AND 18" VERTICAL IN ACCORDANCE WITH THE STATE OF UTAH DIVISION OF DRINKING WATER RULES SECTION R309-550-7.

- GENERAL NOTES CONT.:**
6. THE 5'-0" SIDEWALK SHOWN ABOVE IS TO BE CONSIDERED THE "CITY STANDARD." OTHER LOCATIONS AND TYPES OF SIDEWALK AS REQUESTED BY THE DEVELOPER MUST BE APPROVED BY THE CITY. IF SIDEWALK IS LOCATED AGAINST THE TBC, IT MUST BE A MINIMUM OF 6 FEET IN WIDTH.
  8. "SEAL COAT" CONSISTS OF THE FOLLOWING:
    - a. CHIP SEAL PER APWA 32 01 13.64 AND CITY MODIFICATIONS, AND
    - b. FOG SEAL PER APWA 32 01 13.50 AND CITY MODIFICATIONS.
  9. IMPORTED FILL UNDER ROADWAY SHALL BE GRANULAR BORROW, 2" MAX.

**CURBED ROAD SECTION**

STREET DESIGNATION	R.O.W. WIDTH ①	T.B.C. TO T.B.C. ②	E TO T.B.C. ③
STANDARD RESIDENTIAL	60'	40'	20'
MINOR COLLECTOR	66'	46'	23'
MAJOR COLLECTOR	70'	50'	25'
MINOR ARTERIAL	80'	60'	30'
MAJOR ARTERIAL	110'	90'	45'

NOTE: ROAD SECTION USED AS DETERMINED BY THE CITY ENGINEER & PLANNING COMMISSION BASED UPON ZONING, GENERAL PLAN, SIZE OF DEVELOPMENT, ESTIMATED TRAFFIC VOLUME, & AMOUNT OF OPEN SPACE ASSOCIATED WITH DEVELOPMENTS PROXIMATE TO HIGH VOLUME ROADS OR COMMERCIAL ZONING.



**CROWN NOTES:**

- A. MAXIMUM DIFFERENCE IN ELEVATION BETWEEN CURBS ON OPPOSITE SIDES OF THE STREET SHALL NOT EXCEED THOSE SHOWN IN DETAIL AND TABLE.
- B. ON ARTERIAL STREETS AND CERTAIN STREETS APPROVED BY THE CITY COUNCIL, THE CITY ENGINEER WILL PROVIDE A PAVEMENT DESIGN. LOCATION OF SIDEWALK AND CURB & GUTTER MAY VARY ON INDIVIDUAL ARTERIAL STREETS PER DIRECTION OF THE CITY ENGINEER.
- C. ALL OTHER PROPOSED STREET CROSS SECTIONS SHALL BE AS APPROVED BY THE CITY ENGINEER.

①	②
40'-0"	17'-6"
40'-0"	12'-0"
40'-0"	10'-0"
46'-0"	20'-6"
46'-0"	10'-6"
46'-0"	10'-6"

**CROWN LOCATION FOR VARIOUS CROSS**

Standard Road Section  
(PVC Public Works Standards)  
66' Width for Minor Collector

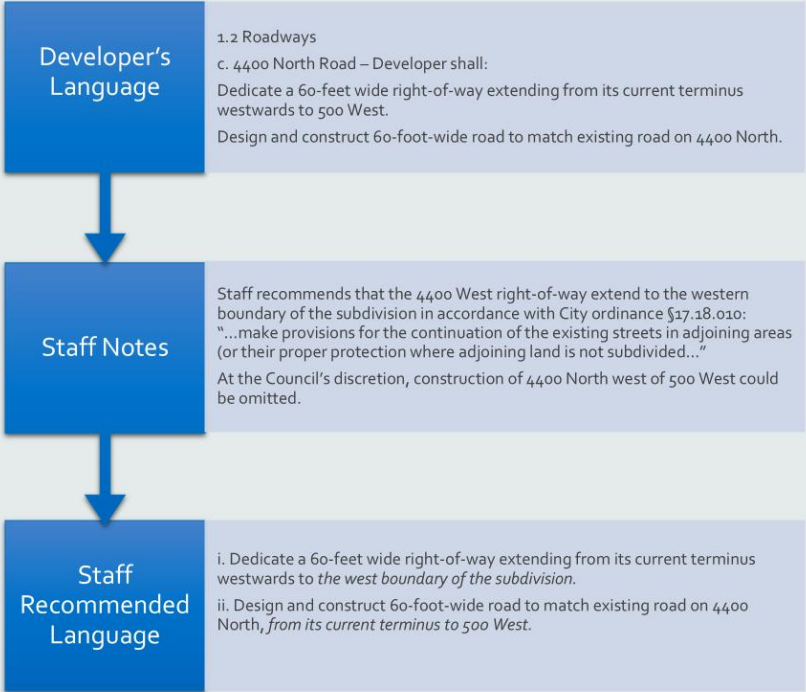


PVC Master Street Plan – calls for 66'



# Staff Comments

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



Issue:

Staff requests 60' R.O.W. to be dedicate to accommodate connectivity (17.18.010).

Developer Changes:

None/No R.O.W. dedication.

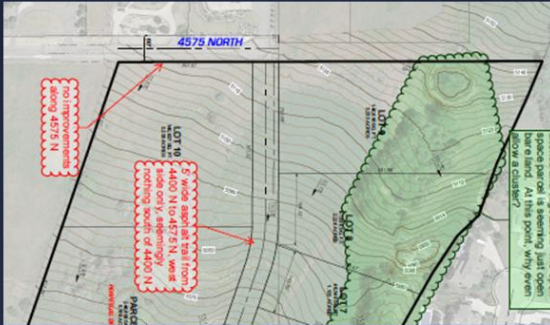
Indicates alternate proposal for adjacent property owner.

Concern about Green belt eligibility.

**17.18.010 Relation to Adjoining Street Systems:**

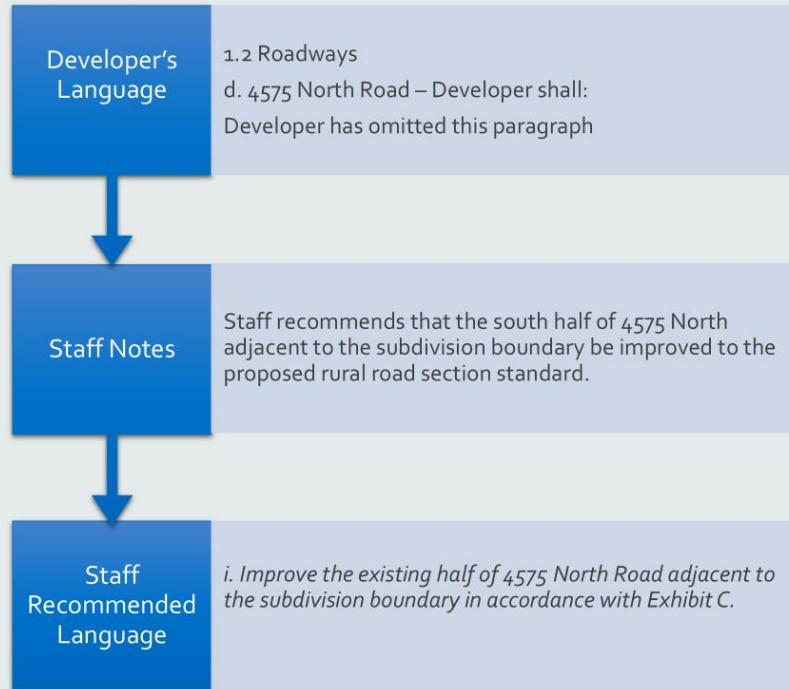
1. Arrangement of Streets: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) as required for public utilities and improvements. The street arrangement shall not cause unnecessary hardships to owners of adjoining property when such property is subdivided and access is required.

2. Master planned streets: All street designated on the City's Master Street Plan shall be incorporated in the development design.



## Staff Comments

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



Issue:  
Developer omitted paragraph requiring improving the existing half of 4575 N adjacent to subdivision boundary.

Developer Changes:  
None – paragraph remains omitted from DA.

# Staff Comments

## Developer's language:

### 1.4 – Special Subdivision Requirements

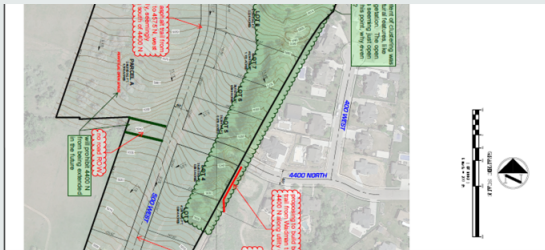
#### a. Subdivision Dedication

- 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.

## Issues:

Open space included uses not allowed by ordinance.  
Pineview water has not confirmed irrigation requirements/restrictions.  
Wetlands to be protected with easements.

## Developer Changes:

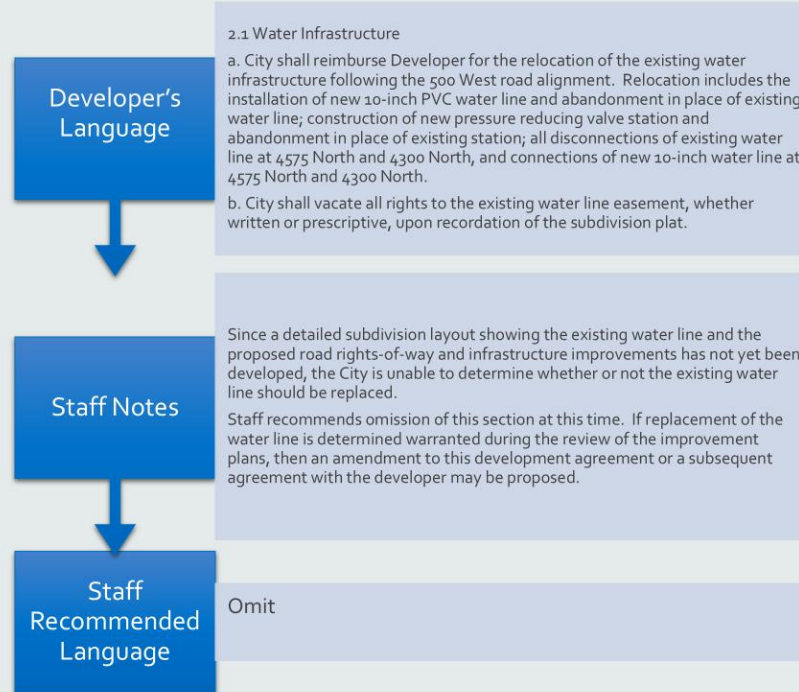
Removed uses not allowed by ordinance.  
Indicates a will-serve letter will be obtained from Pineview water.  
No added language regarding easements for wetlands.



## Staff Comments

### 2. City's Responsibilities.

The City shall be responsible for the following:



## Issue:

The City is unable to determine if the existing water line needs to be replaced.

Developer Changes:  
Language added that reimbursement to developer for new water line will only occur if/when the City determines replacement is necessary.

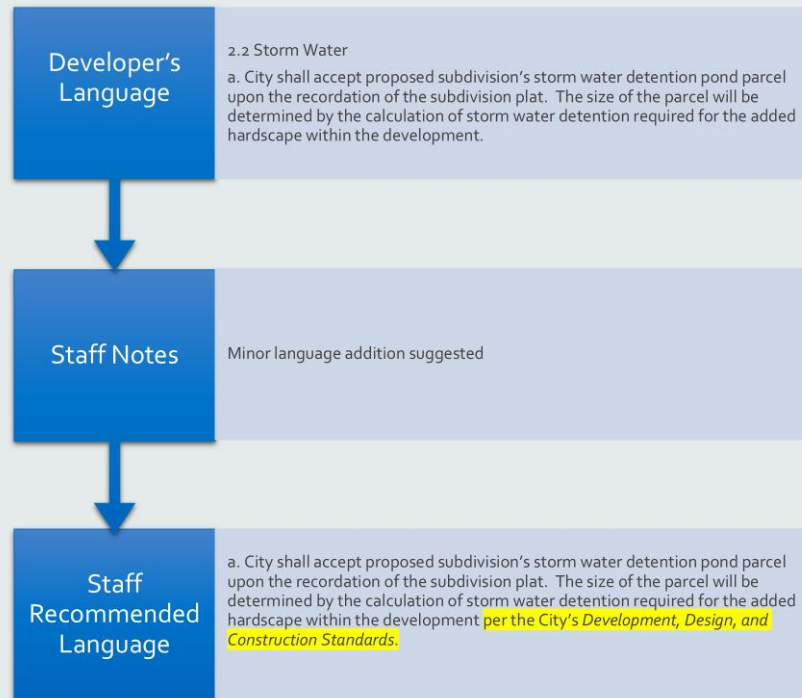
## City Action:

Engineer reviewed ✓



## Staff Comments

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



Issue:  
Minor language change  
requested regarding storm  
water standards.

Developer Changes:  
Language changed as  
requested.

## 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.

Issue:  
Legal Review needed.

Developer Changes:  
Term added.  
Contact info added.  
Transferability clause added.

City Action:  
Sent to legal for review.

# 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.