

Minutes of the Western Weber Planning Commission meeting of January 9, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Roger Heslop – Acting Chair
Jannette Borklund
John Parke
Jennifer Willener-Acting Chair
Wayne Andreotti

Member Excused: Blake Hancock
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Assist Planning Director; Chris Crockett, Legal Counsel

- **Pledge of Allegiance**
- **Roll Call**

1. Minutes:

1.1 Approval of the meeting minutes: December 12, 2017.

Commissioner Heslop motions to approve minutes for December 12, 2017. Motion carries (5-0) Minutes approved as presented.

2. Election:

Commissioner Park motions to make Commissioner Blake Hancock Chair, and Commissioner Jennifer Willener Vice Chair for 2018. Motion carries (5-0) Commissioner Blake Hancock will be the Chair for 2018. Commissioner Jennifer Willener will be the Vice Chair for 2018, and acting chair for the remainder of the meeting.

3. Meeting Schedule: Approval of the 2018 Meeting Schedule

Commissioner Willener motions to approve 2018 meeting schedule. Motion carries (5-0)

4. Approval of the 2018 Planning Commission Rules of Order:

Commissioner Willener motions to table this item for the next meeting. Motion carries (5-0)

5. Public Comment for items not on the Agenda

Shay Bitton 4088 W 2200 S, Taylor; would like to know what it would take to implement The Dark Sky ordinance in Weber County.

Commissioner Heslop states that currently, this ordinance is in place in Ogden Valley. It would be a matter of requesting additional information and adding it to the agenda.

Director Grover states that the concern when it was brought before the Commission before was how much regulation they wanted to impose upon the public. The Ogden Valley has guidelines for The Dark Sky ordinance, Western Weber did not at the time the general plan was done.

Commissioner Willener asks would it be a matter of adding it the general plan first. Director Grover responds that not necessarily. He states that typically we look at the general plan and look at items that need to be addressed and at the resources available. At this time it's not a priority, but it is something to be kept in mind. It can be added to the list. Mr. Crockett states that regarding the statutory process for the land use code ordinance he would be more than happy to get the information to Ms. Bitton.

6. Remarks from the Planning Commissioner

Commissioner Parke states that when there is a situation where the County Commission remands a decision it would be helpful to have a copy of their decision in the meeting packet.

7. Planning Director Report

Director Grover states that the County Commission upheld the Western Weber Planning Commission decision of The Sunset Equestrian Subdivision. He states that the applicant needs to meet all requirements for final approval. He also reminds the Commissioner's that the Planning Commission dinner is on Jan 16, 2018, at 6 pm.

8. Remarks from Legal Counsel

Mr. Crocket states that regarding the changes in Chair and Vice Chair he is more than happy to go over the rules of order and the general procedures with all the Planning Commissioners.

Adjourn to convene to Work Session**WS1. DISCUSSION: Modification to the definition of the "Height of Building" and additional clarification regarding standards and regulations governing the height of a building.**

Mr. Ewert gives an overview of changes made regarding the definition of height. He states that the main change is the readability of the definition of height. They have made it simple and added some supplemental standards. The main issue was with the finished grade, and defining the natural grade. Ogden Valley Planning Commission decided they want to regulate the fill and it's up to the homeowner how much they want to cut. They also agreed that when determining natural grade it will be determined at the time that a build is started, instead of the 10 years as was previously listed. Regarding site plans in the Weber County, we are now requesting topography of the natural grade and the finished grade. Commissioner Parke asks if the planning has access to information regarding what the grade was 10 years ago. Mr. Ewert responds that the County has LiDAR data for the Entire County and high resolution for a lot of the county.

Mr. Ewert gives an overview of standards, regarding cell phone towers and public utility stations disguises. He states that the goal is to build something that is going to blend with the natural aesthetic of the environment. Commissioner Willener asks if language needs to be added regarding using live trees as an accessory to a cell phone towers to avoid root problems or weather issues. Director Grover responds that this would be addressed in the building code. He also states that it would be a good idea to add language regarding standalone towers, to avoid out of place towers, such as placing a bell tower in the middle of an agriculture field. He says that it is important to look at the context of the area and possibly develop some waivers.

Commissioner Borkland states that as technology advances they might need bigger panels. She asks can those be disguised as well. Mr. Ewert states that it is possible depending on the design.

Mr. Grover states that as technology advances they might need to come back and revise the ordinance, to update outdated technology.

Commissioner Borkland asks that looking at the definition of height regarding cell phone towers, Is there any issue regarding slope and grading. Mr. Ewert responds that cellphone towers are allowed to go higher. They can go higher than 35 ft. provided that they comply with all standards and have FFA approval. Currently, there is no specific cap on the height for cellphone and utility towers.

Commissioner Borkland states that if they are the same height as telephone poles it might not be a big deal because the public is used to it. Mr. Ewert states that it would depend on the area and the customer base.

Mr. Ewert asks if the Planning Commission would be in favor of an ordinance that governs cell phone towers in this way.

Commissioner Heslop states he would be in favor depending on the area. He states that at times a plain towers will do. There needs to a clause that it should depend on the area.

Commissioner Borklund states that some the disguised towers are less aesthetically pleasing than a regular tower at times and points out that the public is not likely to give up their cell phones. Mr. Ewert agrees that cell phone towers aren't going away.

He states he will bring back the issue before the Planning Commission and see what the final decision will be.

Commissioner Willener opens for public comment. There is none.

WS2. DISCUSSION: Modifications to Cluster Subdivision ordinance to amend open space requirements and provide clarifications.

Mr. Ewert gives an overview of proposed amendments made to the Cluster Subdivision ordinance. He states that it is important to remember that since there has been a public hearing on this item the process has begun. Any changes made will be applicable to future applications. He states that the applicants are not vested unless the application complies with the preliminary requirements.

Commissioner Borklund asks if open space is considered agricultural preservation. Mr. Ewert responds that it can be, with regard to HOAs it is up to the HOA to set up those standards.

Mr. Ewert states that before the next meeting he will develop some acceptable standards for groomed common areas that are not pastures to avoid fallow land. Director Grover states it would be good to get plans submitted by a landscape architect, to have a detailed plan and that will meet the standards. It would also be good to have the applicants identify what type of open space they are trying to create so it is planned up front. He also states that in looking at bonus density, standards should be more specific. He points out that 10% bonus density being granted for meeting the purpose and intent of the code should be eliminated. They should already be meeting those standards.

Commissioner Willener asks if there is a way to promote aesthetically pleasing parcels that are easy to maintain to avoid obscure parcels around the subdivisions that can't fit into 1 acre lots. Mr. Ewert responds that he has added two items in the code that can help this. Open space parcel should be contiguous with other open space parcels. They can't be an island by themselves. A standard on the width can be put in so that they can't get skinnier than 100ft or 200ft. The question is do we want to create a square effect or a spider web effect? Having a spider web effect could help open opportunities for future uses because it provides connectivity.

Commissioner Heslop points out that with regards to line 125 and specific cluster requirements it might be a good idea to be more specific regarding the number of lots in a cluster subdivision versus the number of lots within a cluster.

Mr. Ewert states that cluster subdivisions might be more appealing if for example there were 200ft of open space and the cluster is tight on the inside. The lots on the inside would have to be very small. Would the open spaces be worth it? Would 5000sq ft. lots be okay? Commissioner Borklund states that 5000 sq. ft. might not be enough. The public moves out to such areas to be away from their neighbors. 10,000 sq. ft. is manageable for a single family. Director Grover points out that it's also important to think about irrigation when talking about tighter clusters. It will need to be addressed in agriculture protection plans.

Mr. Ewert states that regarding that total amount of open space and the total amount of land should have the same percentage of open space per plate. Director Grover agrees that this is good because each phase will be able to stand on its own if the developer falls out. He states that developer's and community rights also need to be looked at because at the end of the day we are all in it together.

Mr. Ewert points out that it might be good for the next work session to get out an old subdivision plat and review it to see if the ordinance works.

Regarding bonus density, he asks the Planning Commissioners whether they want to see it reduced from 50% to 35%. All Planning Commissioners agree that they want to reduce it to 35% common space or park space. Director Grover points out that the park district needs to be willing to accept the standards because they would be maintaining it.

Mr. Ewert states that regarding line 100 where it states that the open space area between one cluster of lots and another cluster of lots and the subdivision boundary shall not be less than 100 ft. He asks 100 ft. enough? Planning Commissioners agree that it should be raised to 150 ft.

Commissioner Willener states that regarding the point of egress she has some concerns on the subject of traffic pattern and connectivity with other clusters. Would it run through the open space? Sometimes the only safe roadways are the connections between neighborhoods, not the main street. Mr. Ewert states this is a concern and he will put some thought into it. He points out that blocks can't be less than 500 ft and no greater than 1350 ft.; anything greater than 1350 you have to put a midblock street. If that whole section is open space are we disrupting the road network? He agrees that it is definitely a balancing act. The Planning Commission agrees that the connectivity can continue to connect through the agriculture areas where the code requires. Mr. Ewert states that he will put more thought into this.

Regarding moderate low income and life cycles, he asks do we want to provide and a diversity of housing types? General plan says you should at least think about it.

Commissioner Heslop asks if there is a choice in the low to moderate-income housing. His understanding is that this is something that is tied to federal income.

Mr. Ewert answers that every community has to include a moderate income housing component to the general plan. Within Weber County as a whole, there is a lot of moderate income housing. Not every neighborhood has to have it. Do you want to have Aging in Place housing in every subdivision? Right now bonus density is provided for moderate-income housing. Director Grover points out that it should be spread out, to avoid bringing down the area. Mr. Ewert asks how the Planning Commission would feel keeping the 9000 sq. ft. lot sizes and reducing the number of duplexes and triplexes in a cluster. Commissioner Borklund asks if they allow smaller lots but it's limited to something like 5%. Mr. Ewert asks if this were the case what the minimum lot size would be. Commissioners agree that could be lot sizes for no smaller than 6000 sq. ft. and only 5% allowed. Director Grover states that he has some concerns regarding this idea because in the cluster subdivision there are no architectural guidelines, it might be a good idea to keep this in the PRUD ordinance. Specifically concerning duplexes and multifamily architecture is a key element. Mr. Ewert states the alternative would be 6000 sq. ft. min and no more than 10% of a Lot.

Commissioner Willener opens to public comment.

Val Sanders 3889 W 2900 S Taylor- he wants to remind everybody that the cluster subdivision was meant to protect the agricultural ground and to avoid odd island clusters you could have the developer show how they plan to irrigate. He asks can wetlands be used as open space. Commissioner Heslop responds if it can be mitigated. Mr. Sanders asks if there is anything that can be done to avoid developers selling out and leaving the owner to deal with what remains. He states that regarding the size of the lots, he believes that most people can't take care of a 1-acre lot. He is in favor of the higher density housing.

John Dejorgio 5306 W 1600 S West Weber- states that it upsets him to see prime farm ground go to developments. Cluster housing is the way to go. He doesn't care about the lot size. He believes that they should have the developers do research on where the prime land and leave it as open space. There is a lot of ways to get this information. He believes that prime ground should be reserved for the production of agriculture because it is very limited. He states that currently some of those lots are landlocked. These pieces

of prime land are getting cut up and it doesn't work. Regarding the Village Center in 4700 and 12th St. we need to address the stormwater issue. There is no place for the runoff water to go.

Hal Christenson 272 E 3000 N North Ogden- States that developer makes money off of density. The biggest expenses are the property cost and the construction cost. If you reduce the income by taking away the density you can't offer the landowner as much for their property. If the density goes from 50 to 30 this takes money away from the landowners.

Brent Hipwell 585 S 3600 W West Weber- States that he has concerns regarding the area of a retention pond out of being used as open space. He has some concerns with a particular development that is using the floodplain. The developer is including floodplain as open space. 3 months out of the year that land can't be used. He believes a certain elevation ought to be set for floodplain and should not be included as open space.

Greg Bell 4023 W 2100 S Taylor- States that he believes that we are headed in the right direction. He points that if you allow homes along the existing roadways you shouldn't be allowed to reduce the square footage along the existing roadway. Taking it down to 5000 sq. ft. what's the good of the agriculture space? All you will see is the bunch of housing. Allowing a buffer between the existing road and the development would make it easier to acquire the land without taking peoples personal property. There needs to be specific wording that eliminates detention ponds from being considered open space or agriculture preservation lots. He wants to a clause that prevents limitations to agriculture. He would like to see restrictions set to make sure land is conducive to the agricultural space. He proposes that bonus density should be reduced to 35%. 9000 sq. ft. the minimum Lot would allow moderate housing anything smaller would make it cramped. It might make them cyclod homes. HOA's are a big concern because after a period of time the homes cycle through and the HOA's fade away. It would be good to make it clear that bonus density is not guaranteed, that it can change based on the preliminary decision. It would also be good to make it clear that open space or agriculture preservation is deemed perpetual.

Eric Page 1891 S 4150 W Taylor – States that with regards to density people don't necessarily need to sell to a developer. 5000 sq. ft. properties are not appealing to him. He states that he does not want to see the pasture in his backyard lined with 5000sq lot houses. He points out that we are trying to maintain the agricultural land. 35% bonus density is more than enough. Regarding HOA's coming into a rural area, what's going to be the contract regarding livestock? He asks why impose on the people who already live there. Regarding livestock you're going to have people moving in from the city complaining about the smell? What can be done to keep HOA's from setting restrictions for land use for property owners?

Commissioner Willener Closes for public comment

Commissioner Willener asks about HOA's covenants restricting land use that is stricter than the land use code. Director Grover answers that depending on how it is designed; there are other options available to preserve open space permanently using conservation or preservation easements that run on the land. Clustering in one section and creating agriculture in other areas this is where they are getting bonus density. They can look at placing easements to avoid dealing with HOA's. In lower-income HOA areas it can become a problem because people don't pay their dues and then nothing gets maintained. Standards need to be addressed for both and to accommodate for both. We don't want to take away developers rights because some of the farmers are counting on this land. It is a balancing act.

Commissioner Willener asks regarding HOA's or developer having agriculture preservation that is more restrictive than agriculture land might allow; restricting livestock even though even though agricultural land might allow, there needs to be some dialogue. Director Grover answers that in order to have livestock they need to meet the acre requirement. We can also put more definitive language so that it is not left to interpretation. Mr. Ewert points out that regarding rules implemented by HOA's; it is just an association of owners. They all have a contract with each other. It is a private contract between the owner and the person who buys the property after. It's hard to write a law that says that you cannot have a private contract to only

use your property in certain ways. It would be better to incentivize agricultural productive land not held by an HOA. Mr. Crocket agrees that preservation easements are an outside mechanism that would allow another body to enforce restrictions or something independent of the HOA. With regards to covenants, HOA can't establish covenants that are going to reduce the requirements of the law. They can establish between themselves private contracts that they are going abide by more restrictive obligation not part of the land use process. There is a lot of self-regulation. This is a concern. There is requirement right now that they need to show they are registered with the state but it hard to determine what's going to happen down the line. Director Grover states that HOA's are a volatile thing; we need to make sure that they put in place infrastructures that meet the County standards.

Commissioner Willener ask that in concerning the placement of a subdivision is there anything in the code that looks at geographic issues, and watershed? Director Grover states that Mr. Dejorgio made a good point, and looking at Terakee Village has some of the same issues. He states that it is important to keep in mind that both were developed as PRUD, not Cluster.

Mr. Ewert asks regarding agriculture preservation versus common area versus parks. He asks whether the Planning Commission would be okay if bonus densities were reduced a certain amount except for agriculture or agriculture is allowed to have a higher density. Commission Willener states that she would like to see some scenarios to see the effects and how it might work.

Commissioner Borklund asks regarding a petition that was mailed regarding the cluster ordinance is there any way to mail notices to the people who signed the petition. Director Grover states that they can, but it can become a budget issue. It's good to have a key contact. In this case, there is, and they can help spread the word.

WS3. DISCUSSION: Village development of 4700 West and 1150 South- Postponed.

WS4. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative-not administrative-action.-Postponed.

WS5. DISCUSSION: (Time Pending) General Plan review and training.-Postponed.

Adjourned 7:25pm

Respectfully submitted,
Marta Borchert