



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for final approval of the Favero’s Legacy Cluster Subdivision Phase 1.  
**Agenda Date:** Wednesday, April 26, 2017  
**Applicant:** Robert Favero  
**File Number:** LVF051916

### Property Information

**Approximate Address:** 3750 West 2200 South  
**Project Area:** 8.302 Acres  
**Zoning:** Agricultural (A-1)  
**Existing Land Use:** Residential/ Agricultural  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-078-0137  
**Township, Range, Section:** T6N, R2W, Section 28

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Agricultural
<b>East:</b> Agricultural	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Felix Lleverino  
flleverino@co.weber.ut.us  
801-399-8767  
**Report Reviewer:** RK

## Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 5 (Agricultural (A-1) Zone)
- Title 106 (Subdivisions) Chapters 1, 2, 4, 7, & 8
- Title 108 (Standards) Chapter 3 (Cluster Subdivision)

## Background and Summary

The applicant received a unanimous approval for sketch plan endorsement of Favero’s Legacy Cluster Subdivision from the Western Weber Planning Commission on May 10, 2016. On September 13, 2016 the proposed cluster subdivision was granted preliminary approval for Favero’s Legacy Cluster Subdivision Phase 1 and 2 (see Exhibit A) from the Western Weber Planning Commission.

Favero’s Legacy Cluster Subdivision Phase 1 is zoned A-1 and is currently an 8.302 acre agricultural parcel. Phase 1 will consist of 5.4 acres, six residential lots and two open space parcels that are both one acre each that can be sold to residents within the development. The applicant has been granted a during the preliminary approval, a bonus density based on the following qualifying criteria: 10% bonus for meeting the purpose and intent of the cluster subdivision and a 15% bonus density based on providing 4,275 square feet of open space to be used as a community garden on the open space parcel C in phase 2 (see Exhibit A). Open space parcels A, B and C are one acre each, amounting to 44% of the total developable area reserved as individually owned open space parcels.

The proposed subdivision conforms to both the zoning and subdivision requirements including adequate frontage and access along a dedicated county road, adequate lot width, lot area and adequate setbacks per the Cluster Subdivision standards as required in the Uniform Land Use Code of Weber County (LUC).

## Analysis

General Plan: The proposal conforms to the Western Weber General Plan by encouraging development in areas of residential growth and preserving agricultural open space to maintain the rural atmosphere of the area.

Zoning: The subject property is located in an Agricultural Zone more particularly described as the A-1 zone. The purpose of the Agricultural (A-1) zone is identified in the LUC §104-5-1 as:

*“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”*

The proposal has been reviewed against the adopted zoning, subdivision and cluster subdivision ordinances to ensure that the regulations and standards have been adhered to. The proposed subdivision, based on the recommended conditions, is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The A-1 zone requires a minimum lot area of 40,000 sq ft for a single family dwelling and a minimum lot width of 150 feet. The A-1 zone allows permitted and conditional uses as well as additional permitted uses that require 2 and 5 acres at a minimum. The proposed subdivision will not qualify for any of the permitted uses requiring a 2 or 5 acre minimum due to insufficient lot width for these uses.

The proposed cluster subdivision allows for a reduction in lot width in Agricultural Zones to 60 feet and a reduction in lot area to 15,000 square feet. The lot area can further be reduced to not less than 6,000 square feet if the lot lies within a cluster subdivision that is adjacent to an undeveloped parcel. An undeveloped parcel is considered to be either a parcel of property that does not contain an existing dwelling or contains an existing dwelling that lies further than 150 feet away from all external boundaries of the proposed or subject cluster subdivision. The proposed residential lot sizes are roughly 18,500 square feet and the lot widths are roughly 130 feet. Approximately 1.49 acres will be dedicated to Weber County along 3900 West and 2200 South Street upon recording the final plat to provide the adequate right of way width.

The proposed lots range in area from 18,563 square feet to 18,635 square feet and vary from 119.19 feet to 129.13 feet in lot width which adheres to the above described design criteria for cluster subdivisions. The yard setbacks for the Favero Cluster Subdivision Phase 1 are as follows:

Front Yard: 20’

Side Yard: 8’

Rear Yard: 20;

Building Height: 40’

However, it appears that the applicant has opted to implement a buildable envelope that will restrict the area where the home and outbuildings can be located. This building envelope is self-imposed and not required by the LUC. As part of Phase 1 the applicant will also be dedicating a half-width right of way to continue 3900 West.

Common and Open Space: Phase 1 includes two one acre parcels of open space that will be individually owned as one acre parcels by residents within the cluster subdivision in Phase 1. A conservation easement as well as a preservation/maintenance plan for the open space parcels has been reviewed by the Weber County Legal Division and has met the standards outline in LUC §108-3-5.

Bonus Density Criteria Request: The applicant has been granted a 25% density bonus that is outlined in the “Open Space Preservation Plan” (see Exhibit C). The bonus density was based on the accumulation of bonus density points outlined in LUC§108-3-8(2):

*The cluster subdivision meets the purpose and intent of this chapter, a ten percent bonus has been granted.*

*If a cluster subdivision provides common area that offers easily accessible amenities such as trails, parks, or community gardens that are open for use by the general public, up to a 15 percent bonus density has been granted.*

Culinary water and sanitary sewage disposal: Will serve and feasibility letters have been provided from Taylor West Weber Water for the culinary water and secondary water. Wastewater disposal systems for the proposed subdivision will be served by the Central Weber Sewer Improvement District.

Val Surrage, the manager of the Taylor West Weber Water Improvement district, has stated that a new Capacity Assessment will not be required for the Favero Legacy Cluster Subdivision due to the State issuing a capacity assessment letter on the previous subdivision design known as Winslow Farr Cluster Subdivision. If the Planning Commission would like to have a new capacity assessment letter issued by the State, a condition of approval will need to be added to ensure that the Planning Division receives this document prior to forwarding the application to the Weber County Commission. The requirement for a construction permit has been waived by the State of Utah because a main line extension is not taking place.

Additional design standards and requirements: The applicant has already installed the majority of improvements and will deposit the bond money for the remaining improvements that are to be installed during the development of Phase 1.

Review Agencies: This proposal has been reviewed by all County reviewing agencies, and has been approved by Planning, Engineering, the Fire District, and Surveying.

Tax clearance: The 2016 property taxes have been paid in full. The 2017 property taxes are due in full as of November 1, 2017.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property during the preliminary subdivision process.

## Planning Division Recommendation

The Planning Division recommends final approval of the Favero's Legacy Cluster Subdivision Phase 1 based on the proposed plan adhering to the requirements of the Weber County Land Use Codes including the design standards in the Cluster Subdivision Ordinance. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. The Covenants, Conditions and Restrictions (CC&R's) shall be recorded with the final Mylar.
2. A Subdivision Improvement Agreement and Financial Guarantee must be submitted with the final Mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision complies with applicable County ordinances.
3. The proposed subdivision has been granted up to a 35% bonus density.
4. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
5. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Phasing Plan
- B. Phase 1
- C. CC&R's

## Location map







## DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

### Favero Legacy Cluster Subdivision Phase 1

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS affect that certain real property known as all of Lots in the Favero Legacy Cluster Subdivision Phase 1, County of Weber, State of Utah (hereinafter "the Subdivision"), filed on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, as Entry No. \_\_\_\_\_ of the records of Weber County, Utah. The following declarations as to limitations, restrictions, conditions, agreements and covenants to run with the above described land be binding on all present and future owners thereof, for their mutual benefit and protection.

1. Weber County Zoning and Subdivision Ordinances. All lots in the Subdivision shall be subject to requirements of Weber County Zoning and Subdivision Ordinances and the development and improvement of all lots therein shall be in compliance therewith.

2. Architectural Control Committee. No structure shall be erected, placed or altered on any lot in the Subdivision until the construction plans and specifications and a plot plan showing the size and location of the structure have been approved in writing by the Architectural Control Committee (hereinafter "the Committee"), as to quality of workmanship and materials, harmony of external design with neighboring structures, and to location with respect to topography and finish grade elevation.

The Committee shall initially consist of Robert Favero and Roger Favero. A majority of the Committee may designate a representative to act for them. All decisions of the Committee shall be made by majority vote, including the removal or appointment of Committee Members. Members of the Committee shall not be entitled to compensation for their services.

Notwithstanding the foregoing provisions, the Committee members shall have no affirmative obligation to be certain that all construction in the Subdivision complies with the restrictions contained herein and no Committee member shall have any liability or responsibility for any decision or lack thereof, in carrying out the duties of a Committee Member. The sole responsibility for compliance with the provisions of the Declaration shall rest with the lot owners in the Subdivision. Once all lots have been built upon, the Committee shall change and the lot owner's will be voted on and become the new Committee.

3. Residential Lots. Lots in the Subdivision shall be known and described as residential lots except for the two Open Space lots. No structure shall be erected, altered, placed or permitted to remain on any lot which is not a single family

dwelling. Any other outbuildings must be approved in advance by the Committee. A conservation easement shall be recorded on the open space lots restricting their use to agricultural purposes.

4. Dwelling Size. Any rambler or single level dwelling shall have at least 1,600 square feet on the main level, exclusive of basement, open porches, and garages. A two-story dwelling shall have a minimum of 2,200 square feet, exclusive of basement, open porches and garages. All dwellings shall have at least a two or more car garage. No multi-level dwellings will be allowed. Anything different in size or style needs to be approved by the Committee.

5. Construction Methods and Materials. The exterior of any structure erected in the Subdivision shall have 75 percent of its front area covered with brick, native or cultural stone or other approved masonry products. Other exterior materials must be approved by the Committee. There shall be no log homes, log-like siding, aluminum or vinyl siding. All buildings shall have a roof of at least a 6 x 12 pitch. All shingles shall be architectural asphalt shingles.

If fiber cement siding is used as the only other material on the front of the home in addition to the masonry product (i.e. brick or stone), then the fiber cement siding may count for up to 15% of the masonry requirement thus effectively reducing the masonry requirement to 60%. If this option is incorporated then at least a wainscot of masonry shall be provided along the entire front of the home (i.e. no full surfaces of fiber cement siding that extend down to the concrete foundation wall). All structures in the Open Spaces must be approved by the Committee.

Front gable ends shall be included in the calculations of the surface area when calculating the percentages of different materials. A tolerance of +/- 2% in these percentages is acceptable.

6. Temporary Structure Prohibited. No structure of temporary nature, such as a trailer, basement, tent, shack, garage or other outbuilding shall be used on any lot at any time as a residence.

7. Trash. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste will not be kept or permitted to remain on any lot except in sanitary containers. No materials shall be kept or stored on any lot that would be unsightly or a fire hazard.

8. Condition of Public Areas during Construction. All construction within the Subdivision shall be performed in a professional manner. All County Ordinances, including but not limited to, noise and storm water management shall be complied with. Roadways shall be kept clean and clear of debris throughout construction. Dirt, mud or debris left on roadways shall be swept and removed within twelve hours. Each homeowner/homebuilder shall protect the integrity of sidewalks and curb and gutter abutting their lot. It will be the responsibility of the homeowner/homebuilder to repair all damage to curb, gutter and sidewalks to the satisfaction of the city.

9. Fences. No fence, wall, or other similar structure shall be constructed or placed on any lot nearer the street than the front house line, nor shall any fence, wall or similar structure be constructed to a height greater than 6 feet. (The Architectural Committee must approve materials and design of any fencing on the lot prior to the installation of said fence.)

All fencing is to be constructed of vinyl privacy or semi- private and is the homeowner's responsibility. No chain link or wood fencing will be allowed. Fencing of the Open Space must be approved by Committee.

10. Landscaping. Landscaping shall be completed by homeowners within eighteen months of occupancy, including but not limited to sprinkling system and lawn. Poplar, Ash, Russian Olive or any form of Cottonwood tree will not be permitted within the subdivision. Each homeowner shall plant at least two flowering or Chanticleer trees evenly spaced in the park strip across the frontage of each lot within three months of occupancy. Homeowner shall be responsible for tree irrigation systems.

11. Other Obstructions. No hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the Subdivision roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the R.O.W. street property lines and lines connecting them at points 20 feet from the intersection of the street lines extended. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to permitted obstruction of such sight lines not precluding safe stopping sight distances.

12. Nuisance. No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No storage of any articles of any items which are unsightly to the neighborhood to be out in the open, they are to be in enclosed areas built and designed for such purposes. No automobiles, trailer, boats or other vehicles are to be stored on streets or front and side lots unless they are in running condition, properly licensed and are being used regularly. Automobiles must be moved every 48 hours. Locate all RV storage on the side or rear of homes behind a privacy fence. All roof mounted heating and cooling equipment to be set to the back side of the roof out of view from the street. All TV antennas are to be placed in the attic out of view. Satellite dishes, etc, are to be hidden from view from the street.

13. Lot Grading & Drainage. Each Homebuilder shall be responsible to grade their lots in such a manner that storm water drainage is directed away from the home and toward streets or their designated drainage easements. In no case will lots be graded to direct storm water runoff on to neighboring lots.

14. Easements. Easement and rights of way shall be reserved to the undersigned, its successors and assigns, on and over the Subdivision, as shown on the recorded plat, for the erection, construction and maintenance and operation thereon or therein of drainage pipes or conduits, pipes, manholes, poles, wires and other means of conveying to and from lots in the Subdivision, gas, electricity, water, telephone, sewage and other services for the convenience of lot owners in the Subdivision.

15. Duration of Covenants. The covenants contained herein shall run with the land and shall be binding on all owners of lots in the Subdivision from the date hereof for a period of 20 years, at which time said covenants shall continue automatically for successive periods of 10 years each, unless an instrument signed by a majority of the then lot owners in the Subdivision is recorded changing said covenants in whole or in part.

16. Enforcement of Covenants. Any owner of any lot in the Subdivision may enforce the covenants contained herein through any proceeding at law or in equity against any person violating them to enjoin or prohibit any violations and to recover any damages suffered by any lot owner.

17. Acceptance of Restrictions. All purchasers of lots in the Subdivision shall, by entering into contracts to purchase and accepting deeds for such lots, be conclusively deemed to have consented and agreed to all restriction, conditions, terms, agreements, and covenants herein contained.

18. Invalidity. Invalidation of any of the covenants herein contained, in whole or in part, by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

19. Water Table Elevations. A buyer of any lot in Favero Legacy Subdivision Phase 1 assumes all responsibility as to the depth in which they put their footings and foundation and holds the developers and Weber County harmless from any damages that may come due to high ground water and flooding.

IN WITNESS WHEREOF, the undersigned has executed this document on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Robert L. Favero

By: \_\_\_\_\_

IN THE STATE UTAH )

:ss

COUNTY OF WEBER )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017 the people named above personally appeared before me, who under oath acknowledged to me that they are the owners of FAVERO'S LEGACY CLUSTER SUBDIVISION PHASE 1 and that they executed the above instrument for and in behalf of said subdivision.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

EXHIBIT "A"

ALL OF LOTS 1 THRU 6, AND OPEN SPACE PARCELS A, B, AND C, FAVERO'S LEGACY CLUSTER  
SUBDIVISION PHASE 1, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.