

Minutes of the Western Weber County Planning Commission held on February 09, 2016, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Mark Whaley, Chairman; Jannette Borklund, Wayne Andreotti, Lance Greenwell, Roger Heslop, John Parke
Member Excused: Michael Slater
Staff Present: Scott Mendoza, Assistant Planning Director; Jim Gentry, Principal Planner; Charles Ewert, Principal Planner; Ronda Kippen, Planner; Iris Hennon, Zoning Enforcement; Sherri Sillitoe, Secretary

*Pledge of Allegiance

*Roll Call

1. Minutes

1.1. Approval of December 08, 2015 and the January 12, 2016 meeting minutes

Commissioner Borklund indicated that on the December 8th minutes, Page 2, the committee listed should be the Ogden Trails Committee; on Page 3 the BOV rep is spelled Mike Vause; on Page 4 Last Para. should read the "Parking Lot on 29th Street. Mark Whaley declared the meeting minutes of December 08, 2015 and January 12, 2016 approved with the indicated corrections.

No Exparte Communication was expressed.

2. Consent Agenda

2.1. LVR072916 Consideration and action on final approval of Russell Place Subdivision, 6 lots at 4000 West 2200 South Matt Leavitt, Agent

2.2. LVA120315 Consideration and action on final approval of Atkinson Subdivision #2, 2 lots, at approximately 2448 S 3500 W – Jeff Atkinson, Agent

MOTION: Commissioner Borklund moved to approve Consent Agenda Items 2.1 and 2.2 subject to staff and agency recommendations including following the requirements of the zoning ordinance. Commissioner Heslop seconded the motion. A vote was taken and Chair Whaley indicated that the motion carried with all members present voting aye.

3. Administrative Items:

Chair Whaley indicated that the following agenda item will be heard next:

3.3. Update on Road Condition at Intersection of 900 S 7900 W

Jared Andersen, Weber County Engineer, explained that on 12th Street and 3500 W., they received funds through WACOG on the projects and they hired a consultant who will evaluate and will tell them what they should be doing on each and every intersection to keep the traffic going and make it safe. On this particular intersection, 900 South and 7900 W, there is a 60% plan to put a deceleration turning lane for traffic heading west. There are no additional plans at that intersection currently. With the extra lane, they will have shoulders, asphalt, and utility upgrades including water work. They will include the Planning Commission on their weekly emails where they report on their present status.

Commissioner Greenwell asked if 7900 W will be widened as it interfaces with 12th Street. Jared Andersen replied that they want to taper it down to the existing road once they hit the ROW line of 12th Street. Commissioner Heslop stated that the present width is very narrow and there have been vehicles in the ditch at all hours. Are there any plans to widen that so it meets fire district requirements for fire truck access?

Jared Andresen and Rick Grover are in the process of creating a list of which roadways need improving. They are excited that Proposition 1 passed and they are getting some funds to improve the roadways. There haven't been the funds to date to address some of the pressing improvement issues.

3.1. AE 2015-06 Consideration and action on an access exception to use a private right-of-way (R.O.W.) as the primary access for four lots in the Mountains Edge Subdivision at approximately 2060 E Ryan Circle – Brock Loomis, Agent

Ben Hatfield presented a staff report and indicated (the corner of Skyline Drive and Combe Road. This property is in an R-2 and R-1-10 Zone in the County. The length of the driveway will be 140 ft.

The proposed subdivision is 1.55 acres. The R-1-10 Zone requires single family dwellings to be on 10,000 square feet. The four lots will be accessed by a 16 foot wide asphalt driveway with curb and gutter on each side for a length of 140 feet. Due to the topography north of Combe Road, the grade of Skyline Drive will be altered to get up the hill. This has caused the intersection also to be elevated above the proposed lots. A slope easement will be reserved on the lots next to Combe Road with a no access line placed on the lots due to the designed change in grade.

Currently the roads in this area have created concerns with land owners adjacent to the site. Staff has met with those owners and is aware of their concerns. With the infrastructure designed with the road project, additional catch basins with curb and gutter along Combe Road will be installed to address the runoff from the hill.

The private R.O.W. is required to meet the design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code. The R.O.W. will be maintained by all property owners using the access. In addition to these standards, the R.O.W. is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. The standards are listed in the staff report under "Summary of Planning Division Considerations." Approval of the private R.O.W. as the primary access does not act as approval of the separate subdivision plat.

Staff has reviewed and analyzed the request for access by a private R.O.W using the criteria in Section 31.

Staff recommends approval of a private right-of-way as the primary access for the proposed 4 lots (Mountains Edge Subdivision). The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- Property boundary conditions are such that the parcel to be subdivided has frontage where two main roads intersect in a unique way which will provide slope and access limitations that do not typically occur and is undesirable. As the remaining property surrounding the site has been developed and has existing access, it is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique design, topography, steepness, and construction of the County Road project extending Skyline Drive; it is impractical to require a separate access for each of the 4 lots in the subdivision.

The conditions of approval are as follows:

- Prior to final subdivision approval, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W. with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements such as:
 - Requirements of the Weber County Engineering Division
 - Installation of the proposed improvements
 - Requirements of the Weber Fire District
 - Completing and recording the subdivision
 - Meeting the design criteria listed in Sec. 108-7-29 Access Easement Standards

Commissioner Borklund clarified that the road has a 20 ft. easement but only 16 ft. of pavement. She asked if the road is wide enough for vehicle access, and Mr. Hatfield replied yes. The road is 140 ft. deep and short enough that the Fire District won't require a turn around. There should probably be a restriction on the plat for parking on the driveway so that there is emergency access.

Brock Loomis indicated that he agreed with staff and their findings. He represents one of three families that has purchased the property together and would like to develop it. With people loving it, it is hard to find property for sale that meets their standards. Their two main goals were to find a design that achieved a comfortable way to access from Skyline Drive down. They are excited for the opportunity to present their application and proposal.

Commissioner Heslop asked their timeline for the extension of Skyline Drive and for a road that extends from a proposed drive. Brock Loomis indicated that they understand that without the extension of Skyline Drive, their project will not happen. The sewer laterals are already in and they are working with getting the water laterals in. The access road would be the last improvement to go in.

Commissioner Borklund asked if they will have any utility improvements in the right of way, and Mr. Loomis replied that they would have some sewer and water running to the back lots.

Corey Combe, 2181 E Combe Road, stated that there is a big berm on the south side of Combe Road that makes it hard to access his property. He understands it will be removed when the extension of Combe Road goes in; however, he is not sure where the water will go. He asked if the detention basins are only to retain Mr. Loomis' property and Ben Hatfield replied that the detention basins are only for this development.

Corey Combe asked what makes this different from a flag lot because it looks like four flag lots to him. It is a narrow road and there is a problem with snow removal and storage. Brock Loomis indicated that they plan on having 20 ft. of asphalt instead of 16 ft.

MOTION: Commissioner Heslop moved to approve AE 2015-06 Consideration and action on an access exception to use a private right-of-way (R.O.W.) as the primary access for four lots in the Mountains Edge Subdivision at approximately 2060 E Ryan Circle – Brock Loomis, Agent, subject to the findings requirements from the Engineers, Fire District and other standards in the staff report such as the requirements of the Weber County Engineering Division, the installation of the proposed improvements, the requirements of the Weber Fire District, completing and recording the subdivision, meeting the design criteria listed in Land Use Code Section 108-7-29 Access Easement Standards and looking at the parking restrictions as they have discussed. They make the following findings:

- Property boundary conditions are such that the parcel to be subdivided has frontage where two main roads intersect in a unique way which will provide slope and access limitations that do not typically occur and is undesirable. As the remaining property surrounding the site has been developed and has existing access, it is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique design, topography, steepness, and construction of the County Road project extending Skyline Drive; it is impractical to require a separate access for each of the 4 lots in the subdivision

Commissioner Parke seconded the motion. A vote was taken and Chair Whaley indicated that the motion carried by a unanimous vote with Commissioners Andreotti, Borklund, Greenwell, Heslop, Parke and Chair Whaley voting aye.

3.2. LVM121615 Consideration and action on final approval of Mountains Edge Subdivision, 4 lots, at approximately 2060 East Ryan Circle – Brock Loomis, Agent

Ben Hatfield presented a staff report and stated that the applicant is requesting final approval of Mountains Edge Subdivision (4 lots). The property is located in the Two-Family Residential Zone (R-2) and the Single-Family Residential Zone (R-1-10) at approximately 2060 E Ryan Circle. The proposed subdivision is 1.55 acres. The R-1-10 Zone requires single family dwellings to be on lots with minimum area of 10,000 square feet and a minimum width of 80 feet. The 4 lots will be accessed by a 20 foot private right of way (R.O.W.) with a 16 foot wide asphalt driveway with curb and gutter on each side for a length of 140 feet.

The location of the proposed subdivision and access is on a corner property adjacent to two main roads (Skyline Drive and Combe Road) which are expanding due to a county construction project. The intersection of these two roads will have a round-about, which will limit the appropriate locations for driveway points of access. The applicant has requested approval of an access exception (AE 2015-06). The proposed joint access is approximately 150 feet from the

intersection. Due to the topography north of Combe Road, the grade of Skyline Drive will be altered to get up the hill. This has caused the intersection also to be elevated above the proposed lots. A slope easement will be reserved on the lots next to Combe Road with a no access line placed on the lots due to the designed change in grade.

The Uintah Highlands Water and Sewer District will provide culinary water and sewer service. A new fire hydrant and other street services will be installed as part of the County road project. Storm water detention for the 4 lots will occur within the landscaping of those properties.

Staff is recommending final approval subject to staff and other agency review requirements and subject to applicable County Land Use Codes.

Commissioner Borklund clarified that the retention basins will basically be landscaped. The basins are very shallow, approximately 1 ½ ft. to 1 ¼ ft. deep.

Commissioner Heslop asked regarding the lots; if the homeowner decided to put a fence through the middle of the retention basin, is that good design principle? It looks like two of them are separating lots. Ben Hatfield said it could be awkward and it could also function depending on the fence that was chosen. The Planning Commissioners should ask the applicant this question.

Mr. Combe asked where the water would go on his lot. For 20 years he has dealt with flooding down his driveway. He has been told that with the new Skyline Drive improvements, that water will be gone. He has talked extensively over the years about it. He understands that the berm will be gone now and there will be curb and gutter. The water used to come from the field and he doesn't want a problem in a few years and them finding that it is water coming from his property.

Chad Meyerhoffer indicated that he is not a fence expert but believes it is a matter of dropping the top and bottom rail to account for the one foot drop in that detention pond. He believes it is feasible to build a fence there. They are hoping with the extension of Skyline Drive that the issue of flooding will be taken care of. He has spoken to Mr. Combe and has raised the issue with the applicant. They hope there can be further communication to see what could or could not be done in this aspect.

Commissioner Heslop asked where the water goes once it goes into the drain basins. Does it come over and go down Skyline Drive? Chad Meyerhoffer stated essentially the water is coming down Skyline Drive until it gets to Eastwood and then it goes past the elementary school. As part of the Skyline Drive extension above Combe Road there will be some detention basins to help capture some of that water and retain it for a short period of time and then release it at a rate that would hopefully slow things down.

Brock Loomis asked if there is any way to divert the water from the front of Corey Combe's property and his property.

MOTION: Commissioner Borklund moved recommend final approval of LVM121615 Consideration and action on final approval of Mountains Edge Subdivision, 4 lots, at approximately 2060 East Ryan Circle – Brock Loomis, Agent based on the findings that it meets the requirements of the Land Use Code of Weber County and is consistent with the General Plan and the Subdivision Ordinance. Commissioner Andreotti seconded the motion. A vote was taken and the motion carried with a unanimous vote with Commissioners Andreotti, Borklund, Greenwell, Heslop, Parke and Chair Whaley voting aye.

4. Rules of Order – Discussion and/or Action on the Planning Commission Rules of Order

Chair Whaley indicated that they are referring to the 2015 version. Chris Crockett, Legal Counsel, indicated that the members can take time to review proposed changes. He can circulate his contact information so if the members have questions, they may call him. He will sit down with the attorney from the Ogden Valley Planning Commission and they will take comments from both the Western Weber Planning Commission and the Ogden Valley Planning Commission and incorporate them into one draft. Chair Whaley asked Mr. Crockett if he took notes of comments made in the premeeting and Chris Crockett replied that he took note of them.

5. **Public Comments for Items not on the Agenda** No comments were made.
6. **Remarks from the Planning Commissioners**

- Commissioner Andreotti indicated that it looks like the river project out west is in its final stages. He would like a report of what has been done and what still needs to be done, etc. They gave a presentation to the County Commissioners, and he can have them make that same presentation. Could they have that in their pre-meeting or work session rather than in a regular meeting, and Rick Grover stated yes.
- Commissioner Andreotti stated that he would like another field trip to the subdivisions out west to look at how the fields will drain. It would be good if they can get there just as the snow starts melting off. Commissioner Borklund indicated that the engineers did not attend the previous field trip.

Chris Crockett asked how the field trips have happened with the Open meetings Act in the past, and Sherri Sillitoe indicated that they noticed the field trip on the agenda with its location and then they met prior to their regular meeting. They have also noted that the public is invited to attend if they wished. Scott Mendoza indicated that they have tried to accommodate the Planning Commission member's schedules and met prior to their meeting at approximately 3:30 p.m. and then they arrive back to the Weber Center at approximately 5-5:30 p.m. Commissioner Whaley asked Commissioner Andreotti to meet with staff to make the necessary arrangements in scheduling.

Chris Crockett indicated that the field trips are addressed in their Rules of Order Page 4c2.

7. Planning Director Report

- Rick Grover asked that regarding the 12th Street road project updates by an email. Would the members like that? The members replied that they would like this.
- It is important and even critical that they make extremely good findings in their motions. It is very critical that they do that. They will probably have a special training in a month or so with the State's Ombudsmen to discuss the Rules of Orders, etc.
- It takes a lot of staff times and resources with packets. He is wondering if it would be possible to just email the packets to the members. He wanted to get the members take on this issue. The following comments were made:

Chair Whaley indicated that he would be fine with an email packet as long as he receives it a week before the meeting.

Commissioner Heslop stated that would be fine with him.

Commissioner Borklund stated that it is fine with her.

Commissioner Andreotti stated that is fine with him.

Commissioner Greenwell stated that is fine with him.

It would be good to have a hard copy agenda at the meeting and it was noted that this will free up staff resources.

8. Remarks from Legal Counsel

Chris Crockett stated that the Legislature is currently in session and several of the proposed bills affect land use. He participates in a committee which monitors bills that the county would be interested in. He listed some examples of the subjects the proposed bills include. Mr. Crockett encouraged them to review the proposed bills and become involved if they are interested.

Commissioner Heslop asked if they could be sent a copy of the bill numbers so they can go in and follow them. He asked if the Planning Commission members could go there and lobby. Chris Crockett indicated that the County can take various positions on bills. There are mechanisms for asserting the county's opinion such as through UAC, etc.

Chair Whaley indicated that in the Rules of Procedure, regarding Exparte Communications, the 2012 and the 2015 versions are in conflict. He believes they should address the question of Exparte communication before each topic rather than at the beginning of the meeting. He felt that it was a distraction to have it at the beginning. The proposed new version recognizes that the Planning Commissioners would know which items are on the agenda and whether they would have any conflicts.

The intent is so it is stated at the beginning of the meeting and then it would not have to be brought up for each agenda item. A brief discussion followed. Chris Crockett indicated that it is a flexible process and it could be done before each agenda topic. Chris Crockett stated that there is no action the Planning Commission members could make if they declare a conflict. Commissioner Borklund asked why they should have this on the agenda then.

Consensus: The members should review this issue and give any comments to Legal Counsel.

- Chair Whaley asked that if in the pre-meeting staff could give them approximately 10-15 minutes for training topics. Rick Grover indicated that this could be done depending on the number of agenda items.

9. Adjourn

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission