Minutes of the Western Weber Planning Commission meeting of February 21, 2017, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT

Members Present: Mark Whaley, Chair

Roger Heslop

 Blake Hancock

Jannette Borklund

Jennifer Willener

 John Parke

Member Excused: Wayne Andreotti

Staff Present: Scott Mendoza, Assistant Planning Director; Courtlan Erickson, Legal Counsel; Steve Burton, Planner; Charles Ewert, Principal Planner; Tammy Aydelotte, Planner

Incorrect minutes included tonight. Approve Dec. 16 minutes.

No old business.

1st admin item – see agenda.

Rick Grover administers direction as to format. The applicant will speak. Gives background of 2665 s 3500 w.

Only access proposed to provide in development is through the property to the west of subject. Other than that, no access to the south. Utilities are accessible to the entrance to the property. Goes through options for layout. Ord discussed min lot area of 15k sq. ft. all lots are about 8k sq. ft. if it borders undeveloped prop, smaller lots are allowed? Explains surrounding properties, as well as significant consideration of access extending west to Muirbrooks prop. Ord stated developer will provide access. Shows easement. Would ordinance require the actual construction of a street, or can I use easement until I can build a street, once more development begins. Steve. Burton will respond after applicant. Another question is I know that need to upgrade utility service. Can I get a credit for construction cost towards the cost of building a street? Also, road is a benefit (easement) to prop owner, can the county negotiate with prop owner to pay the partial cost of easement maintenance? Landowner to the south has expressed interest in developing –questions regarding transferring open space. Would like to develop both as one development. Want to transfer open space into greenbelt so the neighbor can farm. Perhaps should put off approval of this option 1, until there is a more definitive plan.

Roger: Is this prop owner planning to dev. Soon?

Jannette: cannot give approval without info to react to.

Mark: Can come back with other option. Cannot approve anything this evening. Take as much time as you need. Will have staff address questions for now. Introduces Steve.

Steve Burton: Will try to address all questions at the same time. Important to note that this is a conceptual sketch – not a time to negotiate who will pay for the road. Showing 50% bonus density. No guarantee of providing road – the app would have to escrow for entire road.

Mark: Enough info to determine that conceptual plan meets requirements for approval.

Steve: normally staff wouldn’t offer a recommendation. In this case, however, an incomplete road prompts a recommendation

Roger: Can a future road easement be used to include bonus density?

Steve: No.

Mark: Not required that have a motion, but perhaps should remain in the habit

Jannette: premature to make a motion, were not sure of plan

Chris: recommends making a motion.

Steve: the main road must extend to prop to the west, access roads must be part of landscaped area

Jannette: table until we are able to see other plans, or make a motion?

Mark: app would like to table for now?

App – should be tabled for now. Will get back to further dev plans.

Roger: Motion to table item # ESPE 2017-01 until applicant gets more info for the commission.

Jannette: second. Unanimous vote.

Correct agenda – no CUP’s. Reference File #, instead of CUP – LVS 12716 is file #.

Applicant: Carson Jones 1106 w 4050 n, Pleasant View UT. Rep the po’s. 2550 N 4750 W in Taylor. Have gone back to 1 acre lots. Will develop in 5 phases. Hoping to produce an asset to the county.

Jannette: would do barrier for lots that back onto the main road

App: no details at this time. Will be a fence or a berm – will have some sort of barrier.

Jannette: sidewalk on 4700?

App – no access point. No sidewalk.

Jennifer – report states that there should be access to 4700, per staff recommendation.

Jannette – wouldn’t want curb and gutter on that road?

App – believe county wants to widen that road.

Roger – curb and sidewalk on 2550? Rationale and reasoning? Additional homes, the charter school to the south, uses 2550 to transport children to school. Safety concern with no sidewalk on that road. Would hope that there are plans to do so.

App – plan to widen.

Jannette – can get an agreement stating deferral agreement?

App – between county and po’s.

Steve: goes through the presentation. 52 acres, zoning A1, A2. Preliminary plan approval, sub consisting of 47 lots. Conforms to zoning. Consider gen plan. Proposal conforms to the general plan for Western Weber. Also, zoning requirements are met, improvements – will serve letters have been provided by water and sewer, also secondary water. Guarantee of improvements will be provided. Curb and gutter – 106-4-2, also sidewalks may be required by the commission for safety requirements. Engineering has also required this. Preliminary plan shows future connectivity to 4700. The condition of approval has been included. The plan is in compliance with sub-requirements. Staff recommends, approval based on conditions: construction permit from Utah for expansion of water lines, curb gutter and sidewalks on both sides of the road, deferral agreement for the sidewalk along 2550 and 4700, a guarantee of improvements, access to 4700w or denial letter from UDOT. Will not be detrimental to public welfare or environment to negatively impact other surrounding uses of land.

Phil – school bus will drive into the sub? If not, not comfortable with no curb and gutter.

Jannette – how far from farthest lot to 2550?

Steve – about 750 feet

Roger – appears bus may make only one stop, m

Rick – advises chair to address storm water

Mark –

Jim Flint (engineer) 538 north main, Brigham city – goes through the packet, showing 36" storm drain line. Currently several open ditches, of 15" lines. The new line will go across all frontage. Going above and beyond county requirement. Will be a tremendous upgrade. Working with Faveros and engineering to ensure. Do not have an official denial letter from UDOT. The berm would be located inside. On the sidewalk, originally, would be 24' paved road with culverts underneath. Instead of county road (2550), awkward to install curb and gutter along an elevated road. Shows 4' shoulder, and 4' expansion to the road. Will have to redesign concept to accommodate curb and gutter. The trail has been removed and asking for deferral option on one side sidewalk. Regarding the bus, tricky trying to figure a bus pullout. Points out that safer without pullout lane. Questions?

Mark – will get to public comment. Have several letters that have not been overlooked. Summarizes letters, from various petitioners. All commissioners have had a chance to go over these letters in pre-meeting. Open for public comment

No public comment.

Mark – issues addresses in letters references enforcement issues. The commission does not deal with enforcement issues.

Steve: invited iris Hennon from code enforcement regarding these issues.

Mark –

Those buying homes should know that a Turkey farm is being used for storage for RVs and a salvage yard.

Iris – discusses code violations with neighboring properties. Explains the process of code enforcement. The recommendation is that sheds go away entirely. Repeat violations. As part of the preliminary approval, sheds be demolished.

Mark – next step? Already working with county criminal attorney. Someone, to make a motion? Additions to a motion?

Iris – owned by one of the project owners.

Mark – should houses be demolished, as well?

Iris – would like to see if homes are habitable.

Public

Glenn white – lives in Grace ID, parents owned part of the property with Stan Nielsen. Addresses sheds, explains the division of property. the east end is still being used for ag. Sister is using for ag, raising turkeys. Will discontinue turkeys this summer. Address alternate route for a school bus.

Mark – sure that developer and engineer will appreciate school bus comments.

Tom Favero – 1295 n 4700w. would be upset if sheds didn't come down. No objections to the subdivision. Sheds no longer stable. For safety reasons, sheds need to go.

Javier Zamora, concern with school buses. Will kids have to walk further to catch school bus?

App – shows houses in question, along with the group of buildings. A plan is to tear down bldgs., once turkey farm is done this year. Will recycle all concrete. No problem tearing all bldgs. Down. Addresses small parcel not included (3 acres) in the project. No say as to what would happen with this parcel. School bus issue – have spoken with school board regarding bus route. Haven’t heard back yet. Trying to mitigate cost, without sacrificing safety, by providing a rail system on one side of the road. Challenges to doing curb gutter with one acre lots.

Jannette – please outline trail system?

App – shows Nielsen prop on the map, where boundary is with whites.

Public – Stan Nielsen owns sheds that are violating code

Mark – commission cannot address code violations.

Rick – could include code enforcement requirements as a condition for approval. May get po’s to come into compliance.

Tome Favero – when sever sheds, will create out of ordinance situation will not be good for new neighbors. Discusses ownership issue with Stan Nielsen, and lack of compliance.

Rick – force compliance as a condition.

App – disagree with conditions, as Nielsen no longer owns the adjacent properties. Concerned that may be stalled with new ownership of parcels in question.

Jannette – how to access detention basin if outside of sub?

App – through easements. Would rather not have conditions tied to approval tonight.

Mark – the commission is able to tie conditions to approval. Planning and zoning enforcement will ensure conditions are met. If we can put conditions, we will probably vote on that.

Linda Hancock 5010 w 2550 s, live across from Nielsen houses. Have not been sold, still in Nielsen's name. will there be covenants for the proposed subdivision? Homes across the street are a disaster.

Public – Nielsen and a variance to build due to proximity to a turkey farm. In the meeting that was held to approve the variance. The condition was to remove sheds, from 34 years ago.

Mark – will have several motions.

Steve – regarding ownership – Mr. Nielsen is the owner of the record.

Mel 2949 s 4700 w – Mel Peterson. Endorses app (developer). Expresses desire for curb and gutter. Lots of traffic, dangerous to not have curb gutter and sidewalk. How to pay for curb and gutter? Encourages to include ½ acre lots, use the money to pay for curb gutter and sidewalk. Would like to have subdivision. Addresses flooding with Faveros property. will help mitigate runoff with curb gutter and sidewalk.

Jannette – must meet land use code. May not reduce the size of lots. Zoning mandates 40k size lots.

Rick – could go through cluster, open space, process, to reduce lot size.

App – already spent 18 months, no desire to prolong

Motion: use file # -

Jannette – motion –see the recording, no deferral agreement, improvements will be required. Access to 4700 west or denial letter from UDOT, no other properties out of compliance. Roger 2nd. Unanimous

**Next item – wireless cell tower.**

Mark – tabled to determine effects of emissions of waves. Applicant here?

App – Nefi Garcia on behalf of Verizon Wireless.

Mark -?’s?

Felix – shows range study, provided by the applicant. Reviews proposal. Gathered date from health dept., that answered questions regarding emissions. Also, FCC fact sheet, regarding regulation by fcc for each and every cell site. Meets land use requirements with setbacks and safety considerations. Staff recommends approval for the cell tower. App did submit a redesign of the tower that has more aesthetic appeal and fits with the property. cites conditions: vinyl fence surrounding tower, with max height if 6 ft, good visual appearance, structural integrity, app adhere to all fed state and county ordinance. That is all

Mark – public comment?

Deborah Atkinson 1959 e 6200 s. researched. Fcc will not deny construction. No notification os results of any study. no information regarding effects of emissions. Addresses property devaluations.

Chris – commission may decide to consider information brought before them on the evening of the meeting. Shows info showing values dropping 15-20%. Verizon advertises 4g coverage, around the tower. Could be placed at a further distance than proposed location. Invested 25 years into estate when cell tower.

* Commission reviews info submitted…

Mark – pg. 4 and 5 regarding property values. Questions? Information submitted reviewed by the staff?

Deborah – no direction to submit to staff.

Chris up to the commission to determine relevance.

Roger – asks Felix to address coverage map. Questions

App – map shows the strength of signal only.

Deborah – specs for the proximity of cell towers to residences?

Mark – any other questions/comments? Motion? Still reviewing.

Roger – question for staff. Given info regarding property valuations – any way to table until discussion regarding valuation relevance? Feel 20% is a substantial number with regards to value drop – any local studies to show this?

Jennifer – more of a safety issue. Needed to 911 service – this would assist. How does this weigh against value drop? With lack of hardline phone service.

Roger – cites reverse 911 calls with recent flooding

Rick – charged to consider health and safety issues, first.

Jannette – may or may not affect prop value as cell tower is typically disguised.

Chris – cites conditional use standards – does not consider value, unless credible evidence showing this.

Motion to approve the permit for the cell tower. (Phil Hancock -last commissioner on left) – see recording for exact verbiage.

Jennifer – 2nd. All voted unanimously

Move to elect chair and vice chair. Roger nominates mark – Jannette nominates roger as chair. 2nd. All Vote: 3 vote aye. Vice-chair. Jannette moves to keep Roger as the vice. All vote aye

Vote on meeting schedule – all approve. Jennifer to 2nd.

Approve rules of order

Director’s report; may want to try and limit public comment to one round. Can be difficult to manage, at times.

Chris – good to acknowledge comments/letters already received.

Adjourn to work session.