

Minutes of the Western Weber County Planning Commission held on August 11, 2015, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Jannette Borklund, Chair  
Wayne Andreotti  
Lance Greenwell  
Roger Heslop  
John Parke

Member Excused: Michael Slater  
Mark Whaley

Staff Present: Sean Wilkinson, Planning Director; Charles Ewert, Principal Planner; Scott Mendoza, Principal Planner; Christopher Crockett, Legal Counsel; Sherri Sillitoe, Secretary

\*Pledge of Allegiance

\*Roll Call

No Exparte Communication was expressed at this point.

The Opening Meeting Statement was read at this time.

**1. Approval of the Minutes of June 09, 2015 and July 14, 2015**

Chair Borklund declared the June 09, 2015 and July 14, 2015 meeting minutes approved as presented.

**2. Legislative Item(s):**

**2.1. ZTA 2015-02 Public Hearing to consider and take action on a request to amend Title 108 Standards), Chapter 15 (Standards for Single Family Dwellings), of the Weber County Land Use Code, by eliminating some standards, exempting specific project types from some standards, and improving overall organization.**

Scott Mendoza presented a staff report and indicated that they are attempting to provide more clarity to the existing code, to be less competitive, add some organization, delete some standards, and be clear in the types of developments we are exempting from the single family dwelling standards by providing some flexibility to developers. Trends are also changing and this is attempting to accommodate the trends. Exhibit A is a copy of the redlines of the proposal. This issue was discussed at the June 09, 2015 work session.

Commissioner Greenwell indicated that they are talking about going to flatter roofs and he wonders if it would be a good idea with the heavy snow loads they have in Weber County. Scott Mendoza indicated that they need to provide for the standard if a building can meet certain standards. They are requiring that a letter be brought in by a Licensed Architect and the Planning Director would have to approve the use of that flat roof after the letter has been submitted.

Commissioner Heslop indicated that it appears to him that there is a lot of responsibility being placed on that licensed architect. Does the State of Utah or Weber County have a set of standards that the architect has to live up to? Is there a certification standard that the State of Utah has for architects? Scott Mendoza indicated that the architect would have to be licensed and insured in the State of Utah. The 2:12 pitch is still in place, but the Planning Director can waive some of the architectural and massing standards if a letter from that architect certifies that the dwelling would be architecturally compatible with the surrounding neighborhood.

Commissioner Heslop indicated that a roof could be engineered to withstand certain snow loads.

Commissioner Andreotti indicated that it would improve some areas in the Ogden Valley. Chair Borklund asked how they would determine what neighborhood standard they would match? Scott Mendoza indicated that it has not been defined, but they would go as far out in the area as needed to determine the overall standard. Staff would rely on the professional to determine if the house style was compatible with the surrounding neighborhood. Sixty percent of the roof can be 2:12 pitch in today's code.

Commissioner Parke asked the reason for the standards and why the roofs are being singled out in the criteria. He would like to know what the protections are for having roofs being singled out in the code.

Scott Mendoza said he believed that the code was originally a model code from Salt Lake County. Salt Lake County felt that by requiring a 2:12 pitch it would provide a more appealing single family dwelling whether it was a conventional stick built home or a manufactured home.

Chair Borklund indicated that she agrees with the 2:12 pitch but why don't they also require someone to use the same style and type of materials as used in areas of the neighborhood or other requirements; why was just the roof pitch singled out in the code?

Scott Mendoza indicated that he did some research but did not find why the roof requirement became part of the ordinance. In his opinion, a roof is one of the major architectural features of the home.

Commissioner Heslop asked if anyone has objected to the code as written. Director Wilkinson indicated that they have had several people ask to have flat roofs as part of the architectural features of the home.

MOTION: Commissioner Parke moved to open the public hearing.  
Commissioner Heslop seconded the motion.

No public comment was received.

MOTION: Commissioner Greenwell moved to close the public hearing.  
Commissioner Parke seconded the motion to close the public hearing.

Chair Borklund indicated that she believed they have reviewed everything that was discussed in the work session.

Commissioner Parke indicated that he was concerned with the neighborhood and the roof pitch.

Commissioner Borklund said she believes it would help if they had a definition of neighborhood.

Commissioner Parke indicated that he would take the roof pitch criteria from the proposed ordinance. He believes they need to know what the protections are and why it is important to single out the roof pitch.

Commissioner Andreotti indicated that he believes the criteria could be removed from the ordinance.

**MOTION:** Commissioner Parke moved to eliminate the roof pitch criteria and that neighborhood is defined. Commissioner Andreotti seconded the motion. A vote was taken and Chair Borklund stated that the motion carried with Commissioners Andreotti, Greenwell, Heslop, Parke and Chair Borklund all voting aye.

**2.2. ZTA 2015-04 Public hearing to consider and take action on a request to amend Title 108 (Standards), Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code by adding a new section that would allow buildings, in certain situations, to encroach into private rights-of-ways.**

Scott Mendoza presented a staff report and indicated that the proposal is to amend the County's Supplementary and Qualifying Regulations Chapter by adding a new section that allows a building (or some of its architectural elements) to project into a private street right-of-way. This new section includes a list of specific limitations, requirements, and standards that have to be met prior to a projection being approved.

The amendment, if approved, will only apply to development in the Ogden Valley Destination and Recreation Resort (DRR-1) Zone and possibly the Commercial Valley (CV-1 or CV-2) Zone. Projections will be limited to buildings that front on privately dedicated streets and will have to meet, in addition to other requirements and standards, Chapter 32 (Encroachments into the Public Right-of-Way) of the International Building Code (IBC).

It would allow people to present a development plan similar to Park City's Main Street. The ordinance was discussed at the June 09, 2015 work session.

In Exhibit A, Line 33 was added since that work session. Staff wanted to provide clarity and be clear in what types of development could encroach into private rights-of ways.

Commissioner Heslop asked if it was all inclusive or are they singling features out? Scott Mendoza indicated that they haven't tried to prohibit any uses. There have been some features added such as a pedestrian walk way, footings, gutters, etc.

Chair Borklund asked in the part where you are limiting them to the yard and the size of house that can be built and how far they can extend into the right of way, how would that work. Scott Mendoza indicated that in the staff report, he has explained that in the ordinance it states that they would have to comply with the building code. At a certain height a projection can begin and it can go out according to building code so far. We are referring to the building code as far as the distance that these projections can project. Exhibit B Chapter 2 of the IBC would need to be followed for the private rights of way projections

Chair Borklund asked if there have been certain situations where a private right of way has been asked to be taken back over by the County. Because it is a private right of way and it becomes a public street, is that an issue in terms of liability and safety? Scott Mendoza indicated that if the county was ever interested in doing that, they have a part in the ordinance, Line 2 of Exhibit A where they were trying to create a streetscape and provide a safety barrier.

Commissioner Heslop moved to open a public hearing. Commissioner Parke seconded the motion. A unanimous vote was taken.

There was no public comment

Commissioner Parke moved to close the public hearing. Commissioner Greenwell seconded the motion. A unanimous

**MOTION:** Commissioner Heslop moved to approve the ordinance amendment Title 108 (Standards), Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code by adding a new section that would allow buildings, in certain situations, to encroach into private rights-of-ways as written. Commissioner Parke seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried with Commissioners Andreotti, Greenwell, Heslop, Parke and Chair Borklund all voting aye.

#### 5. Planning Directors Report.

Director Wilkinson indicated that the Utah APA Planning Conference will be held at Thanksgiving Point on October 1<sup>st</sup> and 2<sup>nd</sup>. The Planning Commissioners are welcome to attend. Please R.S.V.P. to Sherri.

Typically we also have a van that goes down to the conference. Frontrunner tickets will also come with the registration. Commissioner Heslop asked how close the Lehi Station is to Thanksgiving Point. Director Wilkinson indicated that he will find out the answer to that question.

The meeting was adjourned to hold a work session.

#### **WS1. Discussion on a request to consider allowing detached accessory apartments.**

Charles Ewert indicated that Mr. Tallon will explain this situation but he is looking for a place to house his aging parents.

Johnny Tallon indicated that he retired from the Military several years ago and now resides in Eden. His parents are in their early 70's and they are getting to the point where they need to relocate from California. He has 2 ½ acres in Eden and he would like to build a small shop and have an apartment in it for them to live. This would allow him to take care of his parents. The current code does not allow for an accessory apartment in a detached accessory outbuilding.

Commissioner Heslop indicated that his concern is the control of an apartment. If they have an outbuilding that has an apartment built into it, do they use the same controls in the apartment that is attached to the house? What happens when it is no longer used by the family, will it be rented out?

Chair Borklund asked if it really matters. He will be living there and would be very careful of who he would rent to.

Mr. Tallon indicated that it doesn't seem that it should be that difficult. The code allows for the size of outbuilding that he would be building. He believes that they could come up with the wording that would protect the density. He could build it attached to his house with the current code. The units already exist in the Ogden Valley and he believes that something could be done to allow this as it is only a matter of a few feet.

Commissioner Parke indicated that he doesn't think that it would matter if the apartment was allowed to be attached to a residence versus an accessory apartment in a detached building. In his mind, it doesn't change anything. It might lend itself to a nicer looking community if it wasn't allowed, but it doesn't change anything.

Johnny Tallon indicated that it would allow more flexibility to the current code. You could attach the utilities to the main residence's bill, etc.

Commissioner Heslop indicated that if an accessory building was considered a home business and there was an office in the front of that business that had facilities, what is the code and how does the code differ from the front office being used for that business. Charles Ewert indicated that currently the home occupation is confined to the residence.

Commissioner Ewert indicated that if we did move forward they will find similarities in the code. They need to find out where the motivation is or what the motivation factor is. Do they want to say that only a portion of the accessory building could be used for this use? This issue will need to be further researched.

Mr. Tallon indicated that the front of the accessory building would be an office/shop, with the apartment located in the rear.

Commissioner Greenwell asked if he has determined the percentage of the building that he would use. Johnny Tallon indicated that he would have 800 sq. ft., which is the accessory apartment standard currently. The accessory building is only 60 ft. from his home and he believes there should be some flexibility to allow the dwelling in an accessory building.

Commissioner Andreotti indicated that he believes it would not be that big of deal. Commissioner Parke indicated that he believes there would be very few people who would build just a dwelling in their backyard.

Charlie Ewert indicated that he heard that the Planning Commission would consider an ordinance amendment if they look at providing some consistency in the architectural standards.

Commissioner Parke believes the standards should be the same as the attached building.

Discussion followed regarding how the electrical power would be handled and whether they should require that the power meter be attached to the same house.

Commissioner Greenwell indicated that he would want a separate meter if he had a shop. However, he believes power is a non-issue since it would only be attached maybe 60 ft. away from the house.

Charles Ewert indicated that the Ogden Valley was not of the same opinion; they were more protective.

## **WS2. Weber County Agri-Tourism Discussion**

Scott Mendoza asked the following question: Should agri-tourism operations be allowed in dedicated cluster subdivision open spaces and/or common areas where today it is not allowed, according to the current definition of "Agri-Tourism"?

The Ogden Valley Planning Commission had a concern with the impact to the neighbors with Agri-tourism in an existing subdivision.

As far as competition, they are thinking that they might want more. Scott Mendoza indicated that he sees them possibly working with WSU Geography Department to creating farm trail maps, and the marketing department to create advertisement and marketing materials that include the farm trail maps. They only have three agri-tourism sites in the County right now, so he believes they could probably stand some competition.

Commissioner Parke indicated that it was important to him when they approved the agri-tourism ordinance that the ordinance would allow the farm to be viable. He agrees with allowing them in dedicated cluster subdivision open spaces and/or common areas if it allows the agriculture area to be viable.

The Ogden Valley Planning Commission had concerns of the impacts to the neighbors in the cluster subdivisions. Commissioner Parke indicated that he would be concerned about the cluster subdivisions already in existence. Scott Mendoza indicated he believed the existing subdivisions would not be eligible to utilize the ordinance unless the ordinance indicated otherwise. Discussion followed regarding the question of possible impacts to existing cluster subdivisions.

Consensus: The members would like staff to show numbers of cluster subdivisions, number of lots, sizes of lots, and sizes of open space to give the members a concept of how the change would work.

There being no further business, the meeting was adjourned at 6:38 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Commission