

Minutes of the Western Weber County Planning Commission held on October 13, 2015, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Jannette Borklund, Chair, Roger Heslop, Michael Slater, Mark Whaley  
Member Excused: John Parke, Wayne Andreotti, Lance Greenwell  
Staff Present: Jim Gentry, Principal Planner; Charles Ewert, Principal Planner; Scott Mendoza, Principal Planner;  
Sherri Sillitoe, Secretary

\*Pledge of Allegiance

\*Roll Call

No Exparte Communication was expressed.

**1. Approval of the Minutes of September 8, 2015**

Chair Borklund declared the September 8, 2015 meeting minutes approved as presented.

**2. Administrative Items:**

**2.1. LVH051914 Consideration and action on a request for preliminary approval of Henry Flats Cluster Subdivision consisting of 12 lots, located at 4300 West 400 South - Travis Wallace for PAANC LLC, Applicant**

Jim Gentry presented a report and indicated that the applicant is requesting preliminary approval of Henry Flats Cluster Subdivision located at approximately 4300 West 400 South in Western Weber County. The proposed subdivision will occupy 12.34 acres and will consist of 12 lots, with each lot being 20,000 square feet or larger. The parcel is split between the A-1 and A-2 zones, which both require 40,000 square feet and 150 feet of frontage. Henry Flats is being proposed as a cluster subdivision with lots being at least 20,000 square feet with 100 feet of frontage. This cluster subdivision was submitted prior to the recent changes to the cluster subdivision ordinance and falls under the provisions of the previous code.

The Western Planning Commission heard this item on July 14, 2015 and tabled preliminary approval for two items: 1. The applicant is to provide details and location of the secondary water pond and the delivery system. A new secondary water pond is being shown on lot 11 along the rear property line. The water will be pressurized with a 6 inch lateral to each of the lots, and 2. The applicant can redesign the subdivision removing the property that is not owned by the developer, show proof the property is now owned by the developer, or provide a signed and notarized letter from all the property owners that the property is to be sold to the developer.

The applicant has provided a notarized letter from the property owners agreeing to sell the property to the developer (Lot 8 area). The proposed road will be dedicated as a public road and will extend northerly from 400 South Street where it will provide one access to an adjacent parcel before extending further north. The applicant is requesting a 15% bonus for meeting the intent of the Cluster Subdivision Ordinance, and a 10% bonus for providing a road stub.

Culinary water will be provided by Taylor West Weber Water with the developer creating a pond for irrigation water. The Weber Fire District has approved the fire hydrant location. The County Engineering Division wants the ditch in the front of the property to be piped. If the curb, gutter, and sidewalk are deferred, then the grade will need to be brought up to within a foot or less below the edge of asphalt. A Storm Water Pollution Prevention Plan (SWPPP) is required to be submitted for all new development where construction is required. Wastewater treatment will be provided by individual septic systems. The Health Department has approved the subdivision for 12 lots with the condition that lots 7-12 are approved for a three-bedroom home. A note on the plat and a covenant that is recorded as part of this subdivision needs to indicate this requirement.

Chair Borklund asked if the County Engineer has recommended anything about a deferral. Jim Gentry indicated that the school district is asking that curb, gutter and sidewalk is installed.

Commissioner Greenwell asked if the curb, gutter and sidewalk would be required on 400 S., and Mr. Gentry replied that the Planning Commission should decide this. The applicant is doing road dedication as part of the subdivision.

Travis Wallace indicated that he would be happy to install the curb, gutter and sidewalk. Chair Borklund asked if it is for the interior roads as well. Mr. Wallace indicated that he would do the interior and exterior roads because he thought that was part of the requirements.

Commissioner Heslop asked the size of the holding pond. In the application, the applicant indicated that he has Hooper Water shares. If he has x number of shares of water, would the holding basin be large enough to handle the water for 7 ½ water shares so the person at the end of the water ditch would have enough water. Travis Wallace indicated that they have double the number of water shares needed to provide water for this development. He wants to make this a system that is more along the lines of xeriscaping. They are hoping that when Hooper Irrigation comes through there, they can just tap on and then they can be pressurized. The system will be ready for when that happens.

Lowell West, 4309 W 400 S, asked the same question as before. Mr. West asked the situation with the septic tanks and indicated that it seems a lot of wastewater that has to go somewhere. Travis Wallace indicated that the Health Department has done multiple tests and that is one reason why the lots are designed the way they are. It is a valid concern. He envisions these homes to be slab on grade homes.

**MOTION:** Commissioner Heslop moved to recommend to the County Commission that Preliminary Approval is given to LVH051914 on a request for preliminary approval of Henry Flats Cluster Subdivision consisting of 12 lots, located at 4300 West 400 South - Travis Wallace for PAANC LLC, Applicant, with a recommendation that curb, gutter and sidewalk be part of the subdivision. He realizes that on that street there is no curb, gutter and sidewalks, but for safety concerns, he would recommend that this be part of the requirements on all roads. Commissioner Greenwell seconded the motion. A vote was taken and the motion carried with Commissioners Andreotti, Greenwell, Heslop, Slater, Whaley, and Chair Borklund voting "aye." Motion Carried (6-0).

### 3. Legislative Item(s):

#### 3.1. **ZTA 2015-03 Public Hearing to consider a request to amend Section 101-1-7 (Definitions); the Design Review Chapter (Title 108, Chapter 1); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8; and the Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code**

Scott Mendoza presented the staff report and indicated that Summit Mountain Holding Group is requesting that seven zoning chapters be amended. Even though the changes deal specifically to any specific places in the Western Weber County area, and all specifically deal with the Designated Resort Zone in the Ogden Valley.

Staff believes it would be appropriate by way of motion that the Western Weber Planning Commission understands the changes that are being presented to them. He referred the members to the proposed ordinance amendments.

Commissioner Heslop asked how the changes impact the density of the proposal that is being brought before them. Scott Mendoza indicated that the Planning Division staff is supportive of all recommended changes except for the one within the definitions section for *lockout sleeping room*. With the proposed change, a lockout sleeping room could be added to any residential accommodation within the Destination Recreation Resort Zone. Because of that, staff believes that the density could be increased through that change. For example you could have one single family dwelling and then with the proposed change you could have a lockout and then maybe a second lockout. In one dwelling unit, you could possibly have three separate families occupying that dwelling at one time. The lockouts would be of a transient nature. Chair Borklund indicated that lockouts are not only one room in some cases. Mr. Mendoza replied that is correct. The lockouts cannot be sold independently but could be occupied at the same time as the home. The lockouts can have a separate access with toilet facilities, but could not have a full kitchen.

Chair Borklund asked how this would compare with an accessory dwelling unit or how is it different. Scott Mendoza indicated that an accessory dwelling unit would have all facilities. Accessory apartments are allowed in any zone in the unincorporated county where the county allows a home. Staff's suggestion is that the language remains as it is today.

Chair Borklund said when figuring density, is the reason why it is not included as additional density due to having to deal with affordable housing, or does it matter? Scott Mendoza indicated that a resort would present how many units they want in their resort and then the traffic engineers can come up with numbers on how many daily trips a road can handle. The two resorts that we have come in with a certain number of units that they wanted in their development and the plans showed how the units could be facilitated and if they had the proper roads, etc. In this instance, we don't have mitigation strategies that match the increased density that is being proposed. Chair Borklund indicated that that is why it is important to go with the staff's recommendation rather than Summits so that the neighbors are not so impacted with more density than what they anticipated or presented. Mr. Mendoza said if the resorts were to come back and present traffic impact studies that were based on a certain number of lockout sleeping rooms that were attached to the homes, then they could analyze that base a new recommendation for approval upon that new information. Market comes into play and if there is a demand for the lockouts, then they will be occupied.

**MOTION:** Commissioner Greenwell moved to close the public hearing. Commissioner Whaley seconded the motion. A vote was taken and the motion carried by a unanimous vote

**MOTION:** Commissioner Heslop indicated that since this is primarily an ordinance that would affect the Ogden Valley area, he recommends approval of the applicant's three requested amendments with the exception of the lock-out sleeping room definition, and then they would follow staff's recommendation of leaving the current definition the same as it is today. Commissioner Greenwell seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried with Commissioners Andreotti, Greenwell, Heslop, Slater, Whaley, and Chair Borklund voting "aye." (Motion Carried 6-0).

**3.2. ZTA 2015-06 Public Hearing to consider a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas**

Charles Ewert presented a staff report and indicated that State Code changed this year to accept Metropolitan Townships which applied to First Class Counties so the use of Townships under LUDMA has been changed to the term Planning Advisory Area. Weber County has never technically complied with the proper use of Township; the way Townships should have worked under the State statute.

Under Permanent Revocation (Page 15 of 54 of the Staff Report), in the substance of the changes are the changes to the Subdivision Ordinance. It is not uncommon for a community to have a subdivision code separate from a Land Use Code. Under the County code precodification, our subdivision chapter as well as other chapters had their own definitions. This created a situation where you could have the same terms with different definitions across the code. When the 2012 Subdivision Code was adopted, for some reason it did not make it into the codified version of the code. There were a few definitions that needed to be retweaked as a result of this.

Regarding definitions, Mr. Ewert reviewed two definitions: 1) Average percent of slope (on page 6 of 54). There are two formulas that could be used as long as the intent is met and 2) Buildable area (Page 7 of 54). Chair Borklund indicated that whatever studies they would do that might deem the buildings safe, would that be accepted? Charles Ewert indicated that they are trying to protect the end user. If an Engineer comes in and states that the land is buildable if certain things happen, then notes could be placed on the plat or in the record.

Chair Borklund asked if the restrictions on lots, would this make it so the lots remain vacant and in weeds. Charles Ewert indicated that this is a possibility. Chair Borklund said if they find out that there is going to be a restriction, do they require the lots to be bigger so that there is some accommodation for those restrictions, and Mr. Ewert replied yes and he indicated where in the code this is addressed.

The following issues were reviewed:

- Lot restrictions
- Chapter 14 Hillside Development Review Procedures ( Line 993)
- Line 1011 Lot Size Requirements for Lots with a Required Buildable Area

Chair Borklund asked about Building Parcel Designations. Charles Ewert indicated that the Building Officials are asking Planning if the property is buildable.

Scott Mendoza replied that you can ask for the combination into one land serial number for tax purposes.

- 106-1-8(c)(4).

It seems more common and becoming standard practice for a jurisdiction to ask more geographical questions. Due to Utah's Buyer Beware system, more questions are being asked.

In the definitions section, everything that came from the 2012 Code is noted in a bubble off to the side. After that, he only put bubbles out there when he was trying to clarify the code.

The 2012 Subdivision actually proposed a requirement that did not comply with State Statute. He copied the State Subdivision Definition with two exceptions: A subdivision is a division of something, and when you divide something it results in two or more things. Most properties are the result of a subdivision. The state code says all of those things are subdivisions unless it is excepted out in this list.

Weber County has said that they will recognize one lot subdivisions when they have a land owner that owns a single lot who cannot get whoever the prior subdivision land owner to sign.

Chair Borklund indicated that on Page 14 Line 469 there is a typo. On Page 17 line 583 should there be an "or" or should it just read over ground. Charles Ewert replied no, it should remain as written. This subdivision chapter is in the long term plan to be rewritten; however, it may be a year or two.

Chair Borklund asked that on line 581, what does back to Patent mean. Charles Ewert indicated that when you are tracing title in this region you trace it back to patent. When the United States Congress said to people in the territory that they can own land, in the late 1880's when they began writing patents for ownership of the land. When you are tracing land you trace it back to the original land patent.

It was noted that preliminary subdivision approval goes to the Planning Commission, any changes are made and then it has to go back to the Planning Commission for final approval recommendation and then the County Commission for their decision.

Chair Borklund opened the public hearing. No comments were made.

Commissioner Heslop moved to close the public hearing. Commissioner Whaley seconded. A vote unanimous vote was taken.

**MOTION:** Commissioner Greenwell moved to recommend to the County Commission adoption of ZTA 2015-06, A proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas as recommended by staff. Commissioner Heslop seconded the motion. Chair Borklund indicated that the motion carried with Commissioners Andreotti, Greenwell, Heslop, Slater, Whaley, and Chair Borklund voting "aye."

#### 4. Public Comment for Items not on the Agenda - None

#### 5. Remarks from Planning Commissioners

Commissioner Heslop indicated that he appreciated the opportunity to attend the Fall APA Conference. Chair Borklund asked if they could have a report of some of the training sessions in a future meeting.

**6. Planning Director Report - None**

**7. Remarks from Legal Counsel – None**

**8. Adjourn to a Work Session**

The meeting was adjourned and a Work Session convened at this time.

**WS1. Western Weber Cluster Subdivision Discussion**

Scott Mendoza indicated that today under the counties existing Subdivision Code requires that groups in cluster subdivisions have no less than three lots. What if somebody wants to build a new farmhouse as part of a farm? The question was, “would the Planning Commission a change to the Cluster Subdivision Ordinance to allow a farm lot to be away from the new subdivision lots or on a lot with the farm parcel by itself?”

In response to a question by Commissioner Heslop, Scott Mendoza indicated that in today’s code, a subdivision lot owner can own an Ag parcel or an open space parcel that is as small as an acre. If I am interested in buying a farm parcel or an Ag parcel in a subdivision but I don’t live in it, it has to be at least ten acres.

Chair Borklund indicated that she likes the idea of leaving the farm house there because it maintains the historic farm. There should be a way to make it work.

Commissioner Heslop said if it is taking a new parcel of ground and adding a new house onto it and they just want to have acreage around them in an estate type place; if they have the appropriate acreage, and are willing to bear the cost of bringing in the water and utilities, etc., let them do it.

In response to a question by Chair Borklund, Scott Mendoza indicated that there is a process of an access exception application for someone that does not have frontage on a dedicated roadway; the county would have the opportunity to make sure that it would meet county road standards.

Further discussion was held regarding this issue.

Commissioner Heslop indicated that he personally likes the idea. If he had a 40 acre parcel and in order to build a new home but I need to have some capital, if this could happen by further subdividing the land and then put a house, he sees this as not really farming but as setting up an estate type lot where they would have the cattle grazing inside a pasture, etc. If you have that scenario, would people in the cluster complain due to odor from the animals? Commissioner Heslop indicated that if it is an open grazing area, he would not see this as a major problem.

Staff indicated that they will come back to the Planning Commission with an ordinance proposal.

There being no further business, the meeting was adjourned at 6:41 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Division