Minutes for Western Weber Planning Commission meeting of November 16, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm

Members Present: Andrew Favero--Chair

Bren Edwards-- Vice Chair

Wayne Andreotti

Greg Bell

Chad Call

Jed McCormick

Sarah Wichern

Pledge of Allegiance

Staff Present: Rick Grover, Liam Keogh, Steve Burton, Scott Perkes, Tammy Aydelotte, June Nelson

This meeting was held on Zoom. Commissioner Bell joined late.

**Petitions, Applications, and Public Hearings:**

1. **Administrative items:**
   1. **LVA07192021** Request for a recommendation of final approval of Angie’s Acres Subdivision, consisting of five lots, and a concurrent alternative access request**. Applicant: Larry Johnson, Presenter: Tammy Aydelotte, Planner**

10/12/2021 – Conditional preliminary approval granted by the Planning Commission.

An alternative access request was included with preliminary approval. However, in lieu of an access exception, the applicant will be dedicating a half-width of roadway along the northern subdivision boundary. Access will still be taken along the southern boundary of lots 3-5, with an access easement to be recorded with the final plat.

The applicant is requesting final approval of Angie’s Acres Subdivision, a single-phase subdivision consisting of five lots, in the A-2 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Each of the proposed lots exceeds the minimum 40,000 square feet and 150 feet in width, as required for residential use in the A-2 zone. Two of the proposed lots do not front along a County road. LUC 108-7-31 allows for an access exception, granting access by a private right-of-way, if it is shown to be infeasible or impractical to extend a county road. Requiring a roadway through this subdivision would give a block of around 350 feet, less than the minimum required of 500 feet (LUC 106-2-3 Blocks).

Commissioner Wichern ask applicant Larry Johnson about alternant access. Mr Johnson states that this is a subdivision for 2 of his kids, a friend and a brother. We are giving up 33 feet on the north for the County. We are planning on living here. This is what we want for this property. Commissioner Wichern asks if the other lot owners are aware that in the future they might have to pay to put a road in. Mr Johnson said that yes, they are aware and willing. Commission Edwards asks why we need an alternant access when there should be a road there. Commissioner Andreotti asks how big the alternant access will be. It will be 16 feet wide. Tammy Aydelotte says that Fire has given approval for a turnaround plan that was submitted. Mr Johnson says that there will be a hammerhead between lots 4 and 5. Commissioner Wichern says that she feels that we need to keep within the code and that she is having a hard time justifying this access. Director Grover states that in this situation the applicant has changed road dedication. He made concessions to the county. If you require access on the north side, they will have to install hard pavement. Planner Steve Burton says that most properties have frontage. This is not like a normal alternative access. The code does allow for this access. Commissioner Edwards asks what is unique about this access. Commissioner Call asks if the alternative access will be a private road. Tammy Aydelotte says yes it will be a private road. Commissioner Andreotti states that he feels that this is within the code and that the owner should be able to face the homes to the south if they want. He has no problem as long as fire says that it is ok, and they have. Mr Johnson said that the reason for the alternant access is that the county planner suggested that they should apply for this alternant. We don’t want a 66 foot road going down the middle of this subdivision. We have been willing to sign over property to the county for road access. Commissioner Call asks if the setbacks are different for front and back and which would apply in the case, since the back of their homes will be on the road. Tammy Aydelotte states that the setbacks are the same for the front and back of the property. The owners would have to look at the setbacks for the rear just as if it were the front. Mr Johnson states that this is ok with them. Commissioner Wichern says that this is complicated. Now the rear is the front. No more questions.

**Commissioner Favero calls for a motion. Commissioner Edwards motions to approve the subdivision of Angie’s Acres based on staff recommendation and deny the access easement as it does not meet code 108-7-32.**

1. A signed deferral agreement for the roadway dedication shall be recorded with the final plat.

2. Unconditional final approval from West Warren-Warren shall be given prior to County Commission approval, or a signature on the final plat from the water company shall be obtained.

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

**Commissioner McCormick, yes; Commissioner Call, yes; Commissioner Wichern, yes; Commissioner Andreotti, no; Commissioner Edwards, yes; Chair Favero, yes. Motion passes 5-1.**

**1.2 LVM04222021** Request for a recommendation of final approval of Mountain Views Land and Livestock Subdivision, consisting of 21 lots. **Applicant: John Price, Presenter: Tammy Aydelotte, Planner**

8/10/2021 – Preliminary approval was conditionally granted by the Planning Commission.

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single- family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-2 Zone, and is a lot averaged subdivision (LUC 106-2-4). Single-family dwellings are a permitted use in both zones.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone require a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision, the minimum requirements are as follows: Lot area in the A-2 zone – 20,000 square feet. Lot width in the A-2 zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

*1. The averaged area and width of all lots to comply with zone standards.* The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.

*2. Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

3. The LUC § 106-1, and the A-2 zone standards in LUC § 104-2. The proposed subdivision will create/continue two public streets. Curb, gutter, and sidewalk are proposed as part of this subdivision.

4. Review Agencies: Weber Fire District, and Engineering have approved this proposed subdivision. Surveying has reviewed, but not yet approved this proposed subdivision. Planning has recommended approval conditioned upon meeting all review agency requirements and conditions outlined in this staff report.

1. Culinary water, secondary water, and sanitary sewage disposal: West Warren-Warren Water has provided a will-serve letter that indicates approval of the proposed secondary water system, as well. An unconditional final approval letter, for culinary and secondary water, will be required prior to appearing before the County Commission for final approval. Weber-Morgan Health Department has issued feasibility for septic systems for this subdivision and will need to sign the subdivision plat before it can be recorded.

Applicant John Price states that everything was turned into Charlie Ewert and well as money committed. Tammy Aydelotte says that Fire has listed preliminary approval. Commissioner Andreotti asks about water. Mr Price states that they have their own secondary water.

**Commissioner Favero asks for a motion. Commissioner Edwards motions to approve based on staff recommendation.**

**Staff recommends final approval of Mountain Views Subdivision, a lot-averaged subdivision, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:**

1. **That prior to final plat recordation, a secondary egress is secured from the applicant as mutually agreed by the applicant and the County in an executed development agreement.**
2. **Prior to plat recordation, all required improvements shall either be installed or escrowed for, or a combination of both.**
3. **Prior to receiving final approval from the County Commission, the culinary water provider and secondary water provider approve of the project unconditionally, or sign the subdivision plat.**

**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**

**Commissioner Andreotti seconded the motion. All Commissioners vote in favor. Motion passes 6-0**

* 1. **AAE 2021-12:** Review and action on a request for an Alternative Access Exception for a future 7-lot subdivision in the A-2 Zone at approximately 550 N. 5500 W. **Applicant: Derrick Oman; Staff Presenter: Scott Perkes**
  2. **LVW090821:** Review and action on a request for preliminary approval of Warren Estates Subdivision consisting of 7 lots in the A-2 Zone at approximately 550 N. 5500 W. **Applicant: Derrick Oman; Staff Presenter: Scott Perkes**

The applicant is requesting both an approval of an Alternative Access Exception and a preliminary approval for Warren Estates Subdivision consisting of 7 lots in the A-2 zone.

The proposed subdivision (see **Exhibit A)** and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Commissioner Andreotti says that he has an interest in the irrigation ditch that runs through the property, but feels that he can remain neutral in voting.

Scott Perkes says that there is a joint staff report. The County Engineer didn’t want any road too close to the canal. Fire requested a 26 foot wide road. Engineers also want a non- climbable fence. Commissioner Call asks if there will be a deferral agreement for the road and how will future land owners be aware of that agreement. Scott Perkes says that yes, there will be an agreement. That agreement can be found in a title search of the property. This is standard procedure. Price will be determined at the time the road will go public.

**Commissioner Favero asks for a motion. Commissioner Wichern motions to approve both request following staff recommendations**.

**Staff recommends approval of the requested Alternative Access Exception and preliminary approval of Warren Estates Subdivision. This recommendation is subject to all review agency requirements, and the following conditions:**

1. Prior to final approval, the applicant will need to provide a current Feasibility Letter from the health department that references each of the 7 lots.
2. An HOA will need to be registered with the state and proposed CC&Rs will need to reviewed by County staff to verify long-term maintenance of the access easement has been addressed prior to the recording of a final plat mylar.
3. No-parking signs shall be installed along the no-climb fence along the southern boundary line.
4. Fire hydrants will need to be installed at a spacing of no more than 500’ apart. These hydrants will need to be installed or escrowed for prior the recording of the final plat mylar.
5. The proposed 26-foot wide access easement will need to be improved to the access standards of LUC Sec. 108-7-29 or escrowed for prior to the recording of the final plat mylar.
6. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the subdivision.
7. An improvement deferral agreement will need to be signed and recorded concurrently with the final plat mylar for curb, gutter, sidewalk, and asphalt for the subdivision’s frontage with 5500 West.
8. Unconditional final approval letters will need to be provided by both West Warren-Warren Water Improvement District and Mountain View Irrigation for a 7-lot subdivision prior to recording the final plat mylar.
9. A no-climb fence along the southern boundary of the subdivision to protect the adjacent Weber River flood channel will need to be installed or escrowed for prior to recording the final plat 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

**Commissioner McCormick seconds the motion. All commissioners voted in favor. Motion passes 7-0.**

After the motion passed, Commissioner Andreotti had some questions about access to the irrigation canal that goes through one of the lots.The Commissioner ask if there was the usual access to the canal. The applicant said that there was. Commissioner Andreotti says that he feels that there needs to be enough access to get equipment into the area to provide maintenance to the ditch to keep it cleaned up and make sure that there are no leaks. On the adjacent property, there is a 5 foot easement on one side and a 20 foot on the other side so as to get equipment in. We would also need a gate that is at least 16 feet. Commissioners asked Counsel if we can go back and make an addition to the previous item to add this into the previous motion. We want to do it right the first time. Attorney Liam Keogh said that since we are still on the subject we have time to go back and make the necessary changes.

**Commissioner Wichern motions to go back and open the previous motion. Commissioner Andreotti seconds the motion. Commissioner McCormick, yes; Commissioner Call, yes; Commissioner Bell, yes; Commissioner Wichern, yes; Commissioner Andreotti, yes; Commissioner Edwards, no; Chair Favero, yes. Motion carries 6-1.**

**Commissioner Andreotti motions to approve with staff findings with the addition of the following: To include ditch access to be approved by county engineering to match Fenster Farm access of 20 feet on one side and 5 feet on the other side as well as include a gate of 16 feet.**

**Staff recommends approval of the requested Alternative Access Exception and preliminary approval of Warren Estates Subdivision. This recommendation is subject to all review agency requirements, and the following conditions:**

* 1. Prior to final approval, the applicant will need to provide a current Feasibility Letter from the health department that references each of the 7 lots.
  2. An HOA will need to be registered with the state and proposed CC&Rs will need to reviewed by County staff to verify long-term maintenance of the access easement has been addressed prior to the recording of a final plat mylar.
  3. No-parking signs shall be installed along the no-climb fence along the southern boundary line.
  4. Fire hydrants will need to be installed at a spacing of no more than 500’ apart. These hydrants will need to be installed or escrowed for prior the recording of the final plat mylar.

1. The proposed 26-foot wide access easement will need to be improved to the access standards of LUC Sec. 108-7-29 or escrowed for prior to the recording of the final plat mylar.
2. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the subdivision.
3. An improvement deferral agreement will need to be signed and recorded concurrently with the final plat mylar for curb, gutter, sidewalk, and asphalt for the subdivision’s frontage with 5500 West.
4. Unconditional final approval letters will need to be provided by both West Warren-Warren Water Improvement District and Mountain View Irrigation for a 7-lot subdivision prior to recording the final plat mylar.
5. A no-climb fence along the southern boundary of the subdivision to protect the adjacent Weber River flood channel will need to be installed or escrowed for prior to recording the final plat 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

**Commissioner McCormick seconds the motion. All the commissioners voted in favor of the motion. Motion passes 7-0.**

1. **Public Comment for Items not on the Agenda:** Douglas Hansen states that he is concerned that as we approve more lots, that there is not going to be enough water. We are in a drought and yet these things keep getting approves. Are we considering how we are going to provide enough water for the future?

Commissioner Wichern says that she has the same concern. That we need to have more xeriscape options and be water wise. Commissioner Favero agrees and asks if there will be enough irrigation to support the people. We also have to remember that property owners have rights to do what they want with their property. Commissioner Edwards says that he is not an expert, but we rely on will serve letters from water companies to let us know if there is enough water for builders. Director Grover states that if it meets the ordinance requirements, we are obligated to approve it.

1. **Remarks from Planning Commissioners:** Commissioner Andreotti is concerned about affordability and impact fees. How do we address affordable housing? People need to own property.
2. **Planning Director Report:** A Calendar was sent out for 2022. Please look it over and let June or I know if you have any concerns about calendar dates. January 4 is a work meeting, and January 11 will be a regular meeting. After visiting with the County Commissioners, we would like to meet once a quarter with the Planning Commission and the County Commissioners. We would talk about items that are being fast tracked as well as any projects that the County Commissioners are supporting. We will have a dinner during that meeting. It will start at 430 during the premeeting time and could go as long as 1 hour. We will have that first meeting on December 14, 2021, if you all are ok with that. Commissioner Favero thinks that will be a good opportunity. We also want to remind you of the Open House at Uintah Elementary on December 1, 2021.
3. **Remarks from Legal Counsel:** None

**Motion to adjourn by Commissioner Andreotti; Seconded by Commissioner Wichern. All voted to adjourn the meeting. Motion carried unanimously.**

**Respectfully Submitted,**

**June Nelson**

**Lead Office Specialist**