

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

January 10, 2017

5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call:*
- 1. Minutes
 - 1.1. Approval of the November 15, 2016 minutes
- 2. Administrative Items
 - 2.1. CUP2016-18 Reconsideration and action on a conditional use permit for a Stealth Verizon Wireless Cell Tower, located on the Uintah Ridge, at approximately 1770 E. 6200 S. – Verizon Wireless, Applicant; Nefi Garcia, Agent
- 3. Elections: Chair and Vice Chair for 2017
- 4. Meeting Schedule: Approval of the 2017 Meeting Schedule
- 5. Approval of the 2017 Planning Commission Rules of Order
- 6. Public Comment for Items not on the Agenda
- 7. Remarks from Planning Commissioners
- 8. Planning Director Report
- 9. Remarks from Legal Counsel
- 10. Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Minutes of the Western Weber Planning Commission meeting of November 15, 2016, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT

Members Present: Mark Whaley, Chair
Jannette Borklund
Roger Heslop
Wayne Andreotti
Blake Hancock

Member Excused: John Parke
Jennifer Willener

Staff Present: Rick Grover, Planning Director; Ronda Kippen, Principal Planner, Chris Crockett, Legal Counsel;
Sherri Sillitoe, Secretary

- Pledge of Allegiance
- Roll Call

1. Administrative Items

- 1.1. Approval of the August 09, 2016, September 13, 2016 and October 11, 2016 meeting minutes**
Chair Whaley declared the minutes approved as presented.

2. Consent Agenda Items

2.1. DR2016-10 Consideration and action for a design review for Grant Trucking Maintenance Shop at approximately 910 West 24 South - Dave Grant, Applicant; Steven Peterson, Agent

MOTION: Commissioner Heslop moved to recommend approval of DR2016-10 Design Review of the Grant Trucking Maintenance Shop subject to all review agency requirements and based on the following conditions: Proof of culinary water and waste-water services will be provided for the new building by Ogden City prior to receiving a building permit from Weber County. This recommendation is based on the following findings: The proposed use conforms to the Western Weber General Plan; the proposed use will not be detrimental to the public health, safety, or welfare; the proposed use complies with applicable County ordinances; and the proposed design and use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Hancock seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioners Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

2.2. DR2016-12 Consideration and action for a design review amendment of original file #MSP2004-02 requested by WinCo Foods, located at 2423 Rulon White Blvd. - Brandon John, Agent

MOTION: Commissioner Andreotti moved to approve DR2016-12 for the design review amendment for the WinCo Foods Warehouse located at 2423 Rulon White Blvd Ogden, UT. It was previously approved as file# MSP2004-02. This motion is subject to all review agency requirements and based on the following conditions: Proof of culinary water and waste-water services will be provided prior to receiving a building permit from Weber County, and proof of approval from the Weber Industrial Park representative for the proposed improvements. The recommendation is based on the following: The proposed use conforms to the Western Weber General Plan; the proposed use will not be detrimental to the public health, safety, or welfare; the proposed use complies with applicable County ordinances; and the proposed design and use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Heslop seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioners Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

- 2.3. LVG082416 Consideration and action on a request for final approval of Gallop Bend Subdivision, consisting of 20 lots, and located at approximately 3662 West 2550 South. There will be two accesses to this Subdivision, one from 2550 South and the other from 2475 South – Dwight Pincock, Applicant**

MOTION: Commissioner Hancock moved to recommend final approval. Recommendation is conditional upon meeting the requirements for the county reviewing agencies as follows: the subdivision improvement agreement must be included; that the monument escrow is paid to the County Surveyor's Office; a cost estimate submitted to the County Engineer for approval; subdivision improvement agreement with financial guarantee; a state construct permit must be submitted prior to this project going before the County Commission. The recommendations are based on the following: That the proposed subdivision conforms to the West Weber General Plan; the proposed subdivision complies with the applicable ordinance; the proposed subdivision will not be detrimental to the public health, safety and welfare; and that the proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties or uses. Commissioner Andreotti seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioners Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

In answer to a question by Chair Whaley, Planning Director Grover indicated that if the Commissioners desire to consider input, it is within the Planning Commission's purview to hear that.

Linda Byram, 3755 W 2475 S, asked when the street will go through on 2475 S. and when the construction would begin. Rick Grover indicated that typically the public street improvements are required to be escrowed for and then when they go to develop the public streets, the escrow is released back to them.

Brock Loomis, Jack Fisher Capitol, the developer on the project, stated that they hope to begin construction in January. The project is proposed to be a 16 week construction project and forecasted to end in April or May and the road finished.

- 2.4. LVS082616 Consideration and action on a request for preliminary approval of the Saddlebred Acres Subdivision, consisting of 24 lots, and located at approximately 4000 West 2200 South – Ivory Homes, Applicant; Chase Freebairn, Agent**

MOTION: Commissioner Borklund moved to recommend Preliminary Approval of Saddlebred Acres Subdivision consisting of 24 lots, located approximately at 4000 West 2200 South based on the findings that it conforms to West Weber General Plan; with the recommendations that the proposed subdivision complies with the applicable ordinances; that the proposed subdivision will not be detrimental to the public health, safety and welfare; and that the proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties or uses. The conditions of approval are that they comply with all reviewing agencies; prior to receiving preliminary approval from the County Commission, the applicant shall submit a subdivision improvement agreement approved by the County Engineer; all easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided are to be shown on the plat; a capacity assessment from Taylor West Weber Water Improvement District and a State Construct Permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision being forwarded for final approval from the Planning and County Commission. The recommendation is based on the following findings: The proposed subdivision conforms to the Western Weber General Plan; with the recommended conditions, the proposed subdivision complies with applicable ordinances; the proposed subdivision will not be detrimental to the public health, safety, or welfare; and the proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Andreotti seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioner Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

3. CUP 2016-19 Consideration and action on a request for a conditional use permit for Terakee Farm PRUD, a 232 unit Planned Residential Unit Development located at approximately 700 N. 3600 W. in West Weber

Rick Grover stated that the Planning Commission members will not be reviewing the subdivision portion at this time, only the Conditional Use Permit for the PRUD; how it is designed, the architecture, landscaping, etc.

Brad Blanch, 1060 East 3400 North in North Ogden, applicant, stated that they have been before the Planning Commission a few times. The project has 160 acres. They initially looked at the cluster ordinance and felt it became unusable and they were successful in amending the PRUD ordinance to have the same bonus density as the cluster ordinance.

Their proposed development was patterned after the Agri-topia development in Arizona. In looking at the 160 acres, they will still have over 70 acres of open space that they would like to use as farming acreage as well as equestrian services. The Planning staff has been very helpful in their review. He knows that the community is having meetings to talk about what they want their community to look like. You can have a community that looks like the community to the south or north which has hardly any open space and a lot of property that is cut up. He urges the property owners with large parcels to come together to come up with ways that they can utilize open space in a better way. They have been able to do that with these 160 acres, but he believes most developers do not have the patience to do what they are trying to do. They are trying to do something that is beneficial to the community.

With this project, they want to have two access points through this development. As you head west to 4700 West, all that property is open acreage with a little bit of farming that happens there; they are trying to be effective with the use of water in this proposed development. All of the water used on this project including the farming area will be pressurized systems so that they are hoping to have excess capacity water to benefit the property owners to the west so that they could have a better development design in the future. Regarding 3600 West, which is the street leading into this development; they have met with the Planning, Engineering, and Surveying office staff, to make sure that they are doing the right thing for that road. Brad Blanch handed out a larger aerial image of the proposed subdivision area showing 3600 West. Mr. Blanch referred the members to Page 17 of the staff report which referred to the following points listed in the staff report: 1. The Weber County Surveyor, Attorney, and Engineer Office have taken the position that 3600 West is a public right of use, a public right of way, 2. The right of way is centered on the existing travelled roadway, 3. The Weber County Surveyor's Office put together a detailed map showing dedicated right of way, presumed right of use right of way and where they would like to see the proposed right of way width and location. Mr. Blanch stated that the comment that they made back to him in writing is that Weber County will defend the legitimacy of this right of way. The 5th point was that Weber County Parcel 15-044-0008 is 2 rods (33 feet) wide and has senior rights to all property parcels in the area. It has not been dedicated as part of the road. It lays part into the road and part out of the road and again, Weber County will defend the legitimacy of this parcel. For 1,000 ft. they have about 60 ft. right of way and for the other 1,000 ft. which goes from the section line to the south, that has partially been dedicated. The right of way that exists (60 ft.) to the north, from that area there is a minimum 33 ft. already owned by Weber County and as you head further to the south there is about 50 ft., which means there is more available to the south. This means the road is wide, gets narrow, and then gets wider again.

They have spent time with the Engineering Department, Utah Power and Questar Gas and given the property that is here right now, there is enough right of way to put the road in as well as utilities that would be needed such as water, sewer, and needed pavement and more than likely the power poles will stay on the west side of the road and the natural gas would stay on the east side of the road. The question now becomes how much does the county want to have for safety purposes for full access and for full right of way purposes. By his count there are 13 residential accesses

on this road and so substandard that he believes the County would be interested in improving the road even if it was only for 13 residential lots. He also calls out that there are 6 subdivisions that have been approved along this road showing its indicated use as a public road. In 2007 there was a commercial conditional use approved for a daycare and comments were made by the Planning Commission that for us to give you approval of the daycare, the County was saying it was a public road. He believes the bridges have already been crossed and the question comes again as to how much right of way width is needed for safety purposes.

Commissioner Borklund asked Brad Blanch if he is asking the County to pay for road improvements or the right of way, the developer will pay for that. They are not asking the County for any financial assistance for this process. The width the county would like is either a 60 of 66 ft. right of way. In this particular case, they believe that there is already over 1,000 ft. to the north of 60 ft. plus feet road dedicated headed to the south through property the county owns plus the right of use right of way they believe there is a minimum 33 ft. and as you get to the end of the road, there is probably over 50 ft. so they think that a road that they will put through, they will fully fund for all of the improvements included. If the county decides for safety purposes they desire additional right of way, they would provide the funds for that. Within the subdivision they will have curb, gutter and sidewalk. The access road will be like many of the Weber County roads where it will have 24 ft. of pavement, with 4 ft. on each side for shoulder and run off and then above ground utility power.

Chair Whaley noted that the Weber Fire District made a preliminary plan review regarding roads and the weight restrictions; the requirements they need for their equipment. Brad Blanche stated that Central Weber has provided a feasibility letter for this project, Taylor West Weber Water has provided a feasibility letter for this project, and the Fire District has said that as long as they meet weight capacity, etc., they would be allowed one access is going to be okay. Brad Blanche stated that within Agri-topia, they were not required to have sprinkler system within the houses, but they went ahead and offered that amenity anyway as a marketing tool; however, they will be required to put sprinklers in the homes with one access until they can get the second access.

Ronda Kippen stated that conditional uses for Planned Residential Unit Developments are required to be recommended by the Planning Commission and by the County Commission for final approval. The PRUD is located at approximately 700 North 3600 West in West Weber. The proposal is a master planned project consisting of 232 units. The PRUD will be a two-phased development consisting of 206 single family lots ranging in size from 5,454 square feet to 74,847 square feet and 26 Accessory Dwelling Units. The proposed PRUD will offer a variety of housing options (and includes approximately 69.5 acres of dedicated open space. The property is located in the A-2 Zone, which required 40,000 sq. ft. for a single-family residence. The PRUD offers some flexibility; where with this PRUD there will be a neighborhood park (located in the center of the development). Surrounding the park will be the smaller residential units, and the medium lots will surround the smaller lots creating a buffer. Then they will have the open space which will encompass the smaller lots to act as a screening buffering tool so it is not such an adjustment between the larger lots and outside the subdivision. Located to the northwest of the subdivision is the larger lots and the equestrian area and that is where you will see lot sizes ranging from 27,000 sq. ft. up to 74,847 sq. ft. The applicant is requesting a 50% bonus density based on preserving 50 acres or more as an agricultural parcel. With the 50% bonus, the applicant will be able to add an additional 77 units to the 155 base units for an overall density of 232 units.

The proposed development is considered an "agro-community." The residential lots will be surrounded by a park, river trails, an equestrian barn and two "in use" agricultural parcels that will provide fresh seasonal produce for the community. This will be a mixed use community; where some homes will not just be residential; on the main level it will be designated as commercial and then there will be residential on the upper level. The commercial uses will not be manufacturing and industrial uses with higher noise levels so as to impact the neighbors. Agro-communities have been gaining popularity across the country and if approved, Terakee Farm will be the first agro-community in

Weber County. The idea of the agro-community is to enable residents of Weber County the opportunity to be a part of a sustainable and health centered community. There will be the lots surrounding the park and there will be an extensive pathway, the lots surrounding the park, an equestrian barn and two in use agricultural parcels that will be able to provide fresh seasonal produce to community members as well as any commercial businesses that may be in that location. There will also be a Farmer's market located by the Community Center.

Ronda Kippen continued by stating that the A-2 Zone requires 40,000 sq. ft. so they are looking at lots that range from .12 acres to 1.71 acres. There will be 26 accessory dwelling units that will be put on the medium size lots. They will be identified during the preliminary and final subdivision process. With the variation in lot area, they will also be looking at a variation in lot setbacks. In the A-2 Zone it is a 30 ft. front, 30 ft. rear and a combination in side yard setback of 14 ft. on one side and 10 ft. on the other or 12ft. and 12 ft. The applicant is asking for 20 ft. front setback, a 5 ft. side and a 5 ft. rear on the small lots. A typical lot will be a 20 ft. front, 10 ft. side and a 5 ft. rear and the medium lots will also have the same. They are not asking for a variation on the height of single family homes. The equestrian barn will be at the community center, and will ask for a taller height. The equestrian center will provide housing for horses of residents that live within Terakee Farms.

As part of the conditional use permit, a design review will be required. As part of the design review they will be looking at certain areas related to safety for persons and property (evaluating the road stubs, traffic and traffic congestion), the infrastructure, amenities, and the environment. The Fire Marshal has said where they don't have ingress and egress in a development with 30 lots or more, the homes will be required to be sprinklered. As far as parking, the Terakee Farm Park is surrounded by homes and this is a unique design where some of the homes will be accessed from an alleyway; some of the homes will be accessed from the rear of their lot instead of the front of their lot. Currently, they do not have any parking proposed for the park. The Planning Commission has the ability to waive parking requirements. Staff doesn't necessarily feel that there will need to be parking for the park; however, over by the community center and farmers market, there will need to be adequate parking. The Planning Commission can add additional parking requirement as they see fit. Each of the mixed use developments will be required to have their own design review and chances are the Planning Commission will not see those reviews because those under one acre and 10,000 sq. ft. lots will be administratively approved. As part of that analysis, they will ensure that there is adequate parking for the residential and the infrastructure that is being proposed in the commercial use. The applicant has not proposed any outdoor advertising other than the ground monument sign and as far as protection of the environment, the applicant is proposing to become certified in the International Dark Sky organization. They have one certified dark sky park in Weber County and that is North Fork Park in the Ogden Valley. The applicant is proposing to do something similar in Terakee Farms which will protect the habitat surrounding the development. Mrs. Kippen read the Staff Recommendations of approval at this time.

Chris Crocket, Legal Counsel, added a comment in reference to a comment raised by Mr. Blanch during his presentation. In reference to the Page 17 with access on 3600 West; the comment made that; "1. Weber County Surveyor, Attorney and Engineering Office have taken the position that 3600 West is a public right of way and that Weber County will defend the legitimacy of this parcel." To clarify, he is not aware of any statements coming from the Surveyor's or Engineering Office or he is not aware of any written statements coming from the County Attorney's Office; regardless, any statements made by these departments within County are not binding upon the County Commission. The County Commission would be the entity to determine whether they would defend the legitimacy of a right of way or a parcel. That decision would have been made by the County Commission in consultation with the County Attorney. Nothing that this board does tonight, would impact that question and that is the reason for the inclusion of Condition No. 3 in the staff recommendations: 3. The applicant will need to work with the Weber County Commission and the Weber County Engineering Division regarding access along 3600 West. That legal access will have to be addressed at the subdivision level. He believes Mr. Blanch has met with individuals from Engineering, Surveying

and the Attorney and has received direction to communicate with the Weber County Commission would like to do with this.

Chair Whaley asked Ronda Kippen to address the floodplain and Mrs. Kippen replied that all the property is located outside of the floodplain. The floodplain is to the north of this property. There is a little bit that comes into the open space that is in the agricultural portion.

Brent Hipwell stated that he is representing his Father who owns the property directly west of the property. His direct concern is that the irrigation system is maintained. Also, he is in the process of surveying the property directly to the west of this property. He has the access to generate 30 feet access which would allow him one or possibly two easements through there to build one or two homes. This plan shows it dead ends on 3600 West at the cul-de-sac where no further development could be accessed to the west or to the north of this property. According to staff's drawing, they are showing a fire turnaround on Karen's or his property and Mr. Blanch does not own that property, nor does the County; it is still maintained by the Hipwell family. They do not want 375 cars coming down the narrow access road every morning. They like their quiet community.

Rich Hipwell stated that he owns the "T" at the bottom. There is a shotgun range, a pistol range, a rifle range and a race track there now. They do a lot of movies there and they blow up a lot. He is also concerned about 416 cars traveling that road morning, noon and night. He is also concerned about possibly having to loop the water line because they don't want to lose water pressure or have to build a bridge.

Wayne Stevensen stated that he is concerned with safety. He believes that 3600 West is a substandard road. You can barely get one semi down the road and another car down the road now. If they start their development before the issue is addressed and the road is widened to a full County road standard, he would be concerned of potential litigation when someone gets hurt.

Robert Seager, a Plain City resident, stated that he and his wife own the property directly to the east and her family owned it for over 60 years. They had 168 acres on the east side and their whole farm was under four feet of water in 1984/85. He believes it is a matter of when another severe weather year happens that the property would again be under water even noting that there have been some improvements to the river drainage. They would like to keep the area quiet.

Douglas Hansen, 136 South 3600 West, stated that he had several questions and comments. One thing is the proposed density. They are asking for 50% density bonus. There is a lot of density in the center and then it spreads out. He believes 252 dwellings would be a lot of density to put in a small area. He wants everyone to realize that this would be an increase in the West Weber community by about 20-25%. It is a big impact to the small community. The density is a great concern to him. With two cars per home, you would have 400+ cars going through the narrow area where there is a bottleneck. It would impact the bottleneck and beyond. They have not mentioned impacting anything beyond that to the south. Would they need to put a light there or a four-way stop? This would be a major impact with a lot of cars coming and going throughout the day. There are two 45 degree turns there. This is not just a development or a neighborhood impact; it is a community impact. With the reduced setbacks, they will be squeezing a lot of homes into a small space. He wonders how they will farm the agriculture area. Will they have a farmer farm that area or will it be the residents. The water and sewer system will need to be improved. Often with such development, the water lines would need to be looped. The sewer system, he understands that the sewer system will go down the middle of the road from where it is located to this subdivision. Why couldn't they just go across the river and directly into Central Weber Sewer's line there or directly south along the river and connect to that line prior to that lift station. Will they need a pump station to pump that into Central Weber's line? The area that they have talked about as commercial; is

that park public access or will it be designated as a private park? Will the equestrian area be open to the public? Will the horse trails be open to the public also? If it will, they will have to consider the additional parking requirements and this will also increase the cars on 3600 West. He believes the road should be widened enough so that the large vehicles can pass without any safety problems for the entire community. Along the east side of the river, that is a dangerous spot and could be considered a hazard. This issue should be looked at. This area is not designed as a floodplain; neither is Warren, but the area has flooded. The probability is not likely, but strange things happen. There has been hunting in the area as well. They need to remember the public safety and welfare. Have these issues been addressed. Will these issues be addressed?

John Charleton 128 N 3600 West, stated that he lives in the bottleneck area. With the proposed equestrian area, large trucks to haul the animals, large trucks to haul the hay and other vehicles will need to travel on the narrow road. His question is who will move? He believes he would not if he was in a semi. With this knowledge, he is concerned this would be a safety hazard.

Jim Flint stated that one of the things he wonders is at what point and time, would you consider the parking. With the internal loop, how can you add parking for the additional uses that are being proposed? He believes careful scrutiny should be made early on. Things can work, but he is associated with a project in Colorado where it worked fine to begin with but college kids moved in and then there was not enough parking. Scrutiny for parking is a critical element. The burden is on the applicant, but it is a big deal, especially with the conditional uses being proposed.

Chair Whaley referred the members to Finding #7 included in staff's list of recommendations as follows: "The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses." In speaking to the Planning Commissioners, he does not believe that this standard has been met because the road is a big issue. If he will build 3600 West, 60 ft. wide, and install improvements all the way to 12th Street, that may be a different matter, but to just start at the center of the road and build a reasonable access and reasonable ability for all the traffic that this will generate to fit into this neighborhood, that would be a different matter.

Ronda Kippen indicated that Finding #7 is based on condition #3 as follows, "The applicant will need to work with the Weber County Commission and Weber County Engineering Division regarding the access along 3600 West during the preliminary subdivision process to ensure adequate access to the development." When we say adequate access that means we are making a substandard road and having it meet County standards. This means improving the entire road, 3600 West, to meet County standards in order to facilitate development a development of this magnitude. Brad Blanch stated that the commitment becomes that it is safe to access this property. He does not know the County standards going all the way out to 12th Street. Clearly that is something that will need to be mitigated. He believes that Mr. Hansen's concerns are legitimate. As a condition that the Planning Commission has provided, from his perspective, that is fair. Commissioner Borklund stated that the County Commission will make the determination of the Road.

The whole road 3600 West will need to be improved. In order to facilitate a development of this magnitude Chair Whaley asked Brad Blanch if he understands the requirement of having to develop the entire road. Brad Blanch stated that the commitment becomes that it is safe to access this property; he does not know what the County standards are going all the way out to 12th Street; clearly that is something that will have to be mitigated and met. He believes that Mr. Hansen's concerns are legitimate and so as a condition that the Planning Commission has provided from his perspective, that is fair. Commissioner Borklund indicated that the road determination would be made by the County Commissioners, not by the Planning Commission.

Chris Crockett stated that with the concerns that have been raised with traffic and the conditions of the road; the question to ask themselves is, does the condition that the applicant work with the County Commission and Engineering in the future to have a road that would meet the County standards; does that adequately mitigate that detrimental effect? If it is yes, then they approve. If not, they can add additional conditions

Brad Blanch stated that he doesn't want to underestimate any of the concerns that have been brought up. He believes they are valid concerns and should be addressed. They reached out with Marriott-Slaterville for access going the other direction, and they didn't want anything to do with that. They would love to pursue additional options for additional right of way. Safety is a huge concern and it definitely needs to be addressed on their part. He agrees that with the way the road is right now, they would not want all that traffic on the road. The farming aspect of this property, property when you start to develop it, it becomes impossible to do traditional farming. It would not be traditional farming, it would probably be organic based farming or small utility-type farming. The park would be a private park in this case; the houses front-face into the park. Daybreak in Salt Lake has this type of approach as well as Agri-topia. The equestrian facilities will be used primarily for the people who will live there and will be considered private. Whether the trail system is public or private still needs to be addressed. They want to partner with the community in whatever way they need to so that they can make sure that safety concerns are addressed and that concerns are regulated. All the cul-de-sacs have an 80' radius and are wider than standard cul-de-sacs. They want to work with the Hipwell family in whatever way they can. They don't want to dead-end the development. They will need to address the other issues during Preliminary Subdivision proposals.

Commissioner Borklund asked Mr. Blanch if he anticipates keeping all of the lots that he has proposed now; and Mr. Blanch stated that he believes that from a financial aspect, the development could live with less density. The architect that is working on this project is the same architect as who designed Agri-topia. They have done amazing things with that development. Agri-topia was designed in 1998 and Gilbert Arizona was just like Weber County is now. The freeway was not there then. They are still putting large commercial complexes on that 160 Acre parcel. He is trying to be careful and have some foresight in planning this development.

Chris Crockett stated that whatever is approved here, will not affect another's private property right.

Commissioner Heslop stated that last February the County sent him to a National Planning Conference in Arizona and he attended a field trip to Agri-topia and saw it firsthand. He believed it to be an outstanding planning project. He knows there are a lot of questions and that they should be answered.

Commissioner Borklund stated that there are two items that Ronda Kippen had in the staff report which were: 1. They need to decide whether to add those conditions of approval of whether the developer should provide a financial feasibility for development as a condition of approval and 2. Whether to impose a condition there be additional parking areas to ensure that the on-street parking does not create a hazardous traffic condition and congestion as a condition of approval. They will need to decide if these are valid concerns as conditions of approval. Chair Whaley suggested that when it comes time for a motion, the motion should include the financial feasibility concern. They can discuss the additional parking area need. He noted that the developer has a lot of work ahead of him to answer the outstanding questions and concerns.

Chris Crockett read Section LUC 108 Section 4-4. Titled Decision requirements, which is the law regarding the items the Planning Commission shall consider under a Conditional Use: *"A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code."* If there are anticipated detrimental effects such as issues

with parking, or traffic, etc., those are things that the Planning Commission can consider; and if the Planning can come up with a condition that will mitigate that, the Planning Commission has to approve. The question is with the conditions that have been proposed and staff recommendations and additional conditions that the Planning Commission may want to impose, does that adequately mitigate those anticipated detrimental effects; if yes, the Conditional Use Permit needs to be approved.

Commissioner Borklund indicated that maybe they want to pin the language down to reflect that they want a 60 ft. right of way and to work with Engineering to make sure the road standards are met. Chair Whaley expressed that he does not believe they need to give the dimensions at this point. Planning Director Grover stated that the Engineering Department looks at the traffic safety and they should probably leave it in Engineering's hands because they are qualified to review those standards. Chair Whaley agreed with Planning Director Grover.

Brad Blanch stated that the multiple dwelling unit option or young families with senior parents has turned out to be a large advantage to Agri-topia. The Daybreak development also chose to use include this advantage in their development. He made this comment because they have 206 units and he would love to have a 50% bonus density, but he doesn't need 206 lots. Say there were 180 lots and he increased the multiple dwelling opportunities, which is why it is included in the calculation.

Ronda Kippen indicated that they will not need to look at parking at the park because it is a private park. If the trail is a private trail, they will not need to look at parking. The key areas where they should be evaluating parking for is farmer's market and the community center. Guest parking will be evaluated during each design review. Commissioner Borklund questioned whether they should be evaluating parking at each single-family home, and Mrs. Kippen stated that the homes would have a garage and then there would be a driveway, just like a typical residential area. Commissioner Borklund stated that the alley way might be overloaded during a large event or holiday and so forth. Chair Whaley stated that the concern seems to be for those instances or holidays that may occur, they would need to address where additional parking could be located during those times. Commissioner Borklund stated that the additional parking areas need to be convenient to the homes. Ronda Kippen indicated that they need to follow the single-family dwelling parking standards in the Land Use Code, which is 1 ¾ stalls per dwelling unit. Commissioner Borklund also stated that if they see it is creating a detrimental impact to the neighbors, they could require more than that. Mrs. Kippen stated that to go up and beyond the standards, they would have to have actual evidence that something is a detriment. The applicant is not asking for a reduction in parking. As a clarification, they would be looking at additional parking for the area at the farmer's market, the community center, and then on a case-by-case basis at design review for each mixed use as they are applied for. Brad Blanch stated that he agrees that parking needs should be reviewed. In Agri-topia, he had the same questions and was told parking was not an issue in that development where they had the driveways and roadways, etc. Planning Director Grover stated that in most subdivisions, guest parking is provided for in the driveways.

Brad Blanch stated that he had the same concern and questioned what Agri-topia does. He asked the question of what they do and whether it has been an issue. It has not been a problem in that development. Rick Grover indicated that the driveway is typically used as that guest parking area in most subdivisions.

Wayne Stevenson stated that Highway 39 is owned by the State and is not part of the road system. He questions how they are going to handle that as you come from the State owned 12th Street to 3600 West. Planning Director Grover stated that if the Planning Commissioners include #3 in the staff report, this issue will be addressed.

The members discussed the conditions that they need to include in the motion and the findings that need to be made.

MOTION: Commissioner Heslop moved to recommend approval of CUP2016-19 Consideration for a conditional use request for Terakee Farm, a 232 unit Planned Residential Unit Development, located at approximately 700 North 3600 West – 158.1 Acre Proposal. The recommendation includes the following recommendations for approval: A “Side, facing street corner lot” setback standard shall be added to the final subdivision plats for review and approval; a note is added to the preliminary subdivision plan stating the single family homes within the development have been approved in whole or in part for nightly rentals or monthly rentals including the ability to utilize lockout sleeping rooms for nightly rentals; the applicant will need to work with the Weber County Commission and Weber County Engineering Division regarding the access along 3600 West during the preliminary subdivision process to ensure adequate access to the development. The lots that have been identified as mixed-use lots will be restricted from such uses as manufacturing and industrial auto repair due to the close proximity to adjacent property owners; the additional landscaping plans will be included in the preliminary and final subdivision design for the Terakee parking area and will be further evaluated at the point in the process. They also include that they would like the developer to provide proof of financial feasibility for the development as a condition of approval. They impose conditions that there are additional parking areas to ensure that street parking does not create hazardous traffic conditions and congestion as a condition of the approval process. These recommendations are based on the following findings: That the proposed subdivision conforms to the West Central Weber General Plan; with the recommended conditions, the proposal complies with the applicable County ordinances; the building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the preliminary subdivision; the proposed master planned development is in conformance with the approved Zoning Development Master Planned; the proposal to preserve a parcel containing at least 50 acres or more may receive up to a 50% bonus density; the proposal will not be detrimental to the public health, safety, or welfare; and the proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Hancock seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous 5-0 vote, with Commissioner Andreotti, Borklund, Heslop, Hancock, and Chair Whaley voting aye.

Ronda Kippen asked as a point of clarification, would the Planning Commission like to see the financial feasibility as a memo, or would they like her to just present it to the County Commission? Chair Whaley indicated that he believes the Planning Commission would like to see the memo and then staff could present it to the County Commission.

4. Discussion Item Request to discuss options for a proposed subdivision, Taylor, Vista, that would be approximately located at the corner of 2550 S. 4700 W. in Taylor – Carson Jones

Chair Whaley asked if Mr. Jones could submit a conceptual subdivision plan. Ronda Kippen indicated that Carson Jones paid a \$50 fee to get some input and feedback from the Planning Commissioners before he would submit an official subdivision application. The standard subdivision process does not require a conceptual process, only a cluster subdivision.

Jim Flint, Representative for Carson Jones, stated that the property at the corner of 2550 South and 4700 West in Taylor is a 55 acre piece of property. They are not looking to do a cluster subdivision and asking for any bonus density. The subdivision would consist of one acre lots. There is an 8” water line going down 2550 South and there is a sewer line at 5100 West, which is downstream to the north of the property. There is no proposed access onto the highway and the subdivision would have two entrances once they reach the 30th lot, which is required by the Fire Marshal. The project will be phased.

Commissioner Borklund indicated that it looks like there will be back facing lots onto 4700 West. Jim Flint stated that there would be a no-access strip placed on the lots that face onto the highway. Commissioner Borklund stated the

homes would still have their backyards facing a busy street and she believes there should be some type of berm or fencing for those lots. Mr. Flint agreed that they should look at some type of fencing or berm.

Commissioner Andreotti indicated that there are other lots in the Western Weber County area that have the same situation and most of them have a 6 ft. plastic or other fence to help buffer the homes from the traffic. Commissioner Andreotti asked if any thought was put in regarding submitting a cluster subdivision of this property instead of a standard subdivision.

Carson Jones replied that they had looked at about ten different subdivision options for this property. They are developing this property for the owners of the Wight Turkey Farm. They are going to continue to farm and they will start this subdivision and when they are done turkey farming, they will start phases 3 and 4. Mr. Jones stated that he would prefer the lots to be half-acre lots because he believes when the new freeway comes in; people will be looking for smaller lots. They have been looking at designing this subdivision for over one year and are anxious to move forward. In answer to a comment by Commissioner Whaley, Carson Jones stated that they are hoping for some barrow capacity in the ditch. Part of the parcel that is left out that has buildings on it; they may move the detention basin to retain as an easement on the neighboring property to hold all the storm drainage water. Jim Flint stated that working with the 150 ft. frontage requirement was a challenge for this property. Commissioner Borklund indicated that if the proposal was ready, she believes it would meet the ordinance.

Scott Mendoza indicated that the proposed road design may not meet the County's subdivision minimum block length standard on 2550 South; so if the distance between the two subdivisions are not greater than 500 ft., it would not meet the County's subdivision minimum block length standard. If it can't be met, they may need to stub to 4700 West or elsewhere. Jim Flint stated that centerline to centerline they would meet that standard but they will look at this information.

Carson Jones stated that he does not know if it would be possible on the cul-de-sac to get a variance to be able to be 160 ft. wide at the 30 ft. setback; right now the ordinance states that you have to be 150 ft. wide at the 30 ft. setback.

Chris Crockett, Legal Counsel, stated that he would have to look at the Land Use Code to see if there are any authority granted to the Planning Commission to give exceptions, but the general rule is that the exceptions in the Code is presented to the Board of Adjustment as a variance.

Commissioner Borklund asked if there will be curb, gutter and sidewalk in the entire subdivision, or will they ask for a deferral agreement? Jim Flint stated that the standard is curb, gutter and sidewalk but they are looking at a 24 ft. wide road with the standard shoulders with a 66 ft. wide right of way and maybe the Planning Commission would entertain having a 4 ft. wide paved bike lane for pedestrian traffic.

Director Grover stated that the Planning Commission would not be making any action this evening.

Ronda Kippen asked the Planning Commission if they would like to entertain pedestrian traffic lay out through this development such as either a bike lane or a sidewalk with crosswalk. The members indicated that they would leave it up to the subdivision developer.

Commissioner Borklund asked that if they have animals on the back of the lots, does it matter if the animals are located at the back of the lots which back onto 4700 West, and Mrs. Kippen stated that in the A-2 Zone, you would have to have two acres of more to have large animals.

5. Public Comment for Items not on the Agenda

Betty Tedford asked a question regarding the Saddlebred Acres because she did not know how the process works. She asked if everything has been already decided with the action taken tonight by the Planning Commission or when can property owners that live near there discuss the proposal. Her property would abut the subdivision and she just received notice of tonight's meeting in the mail. She wonders if there was a prior meeting where the layout was discussed and whether animals would be allowed in the subdivision because she would like to see more horse property. She also desires to know if the subdivision would have secondary water.

Her concern regarding whether there would be a detrimental impact to neighboring property owners. Regarding secondary water, their water has been through the drought season for the past several years; however, sometimes it has been shut off earlier or started later and this is a big concern to her. How will these new subdivisions impact their secondary water? Scott Mendoza gave Ms. Tedford a copy of the staff report and stated that she could contact staff to have her questions further answered.

Commissioner Heslop indicated that she will not lose their secondary water rights. Betty Tedford asked if the Commission is considering the availability of water when they approve new subdivisions. Commissioner Borklund stated that as part of their approval, they get reports from the water company telling them that they can provide the service.

Ms. Tedford further asked if they have to have projections as to the availability of their water, and Chair Whaley replied yes. Commissioner Borklund indicated that the Planning Commission decision is a recommendation to the County Commission.

6. Remarks from Planning Commissioners

Commissioner Andreotti indicated that he will not be at the next meeting because he has to have a knee replacement.

7. Planning Director Report**8. Remarks from Legal Counsel****9. Adjourn**

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Reconsideration and action on a conditional use permit for a Stealth Verizon Wireless Cell Tower, located on the Uintah Ridge.
Agenda Date: Tuesday, January 10, 2017
Type of Decision: Administrative
Applicant: Verizon Wireless
Authorized Agent: Nefi Garcia
File Number: CUP# 2016-18

Property Information

Approximate Address: 1770 E 6200 S, Ogden
Project Area: Approx. 2000 sq. ft.
Zoning: Residential Estates Zones (RE-15)
Existing Land Use: Residential/Commercial
Proposed Land Use: Public Utility Substation
Parcel ID: 07-083-0077
Township, Range, Section: Township 5 North, Range 1 West, Section 22

Adjacent Land Use

North:	Commercial/Residential	South:	Residential
East:	Commercial/Residential	West:	Commercial/Residential

Staff Information

Report Presenter: Felix Lleverino
flleverino@co.weber.ut.us
801-399-8767
Report Reviewer: RK

Applicable Ordinances

- Title 101, Chapter 1 (General Provisions) Section 7 (Definitions)
- Title 104, Chapter 3 (Residential Estates Zones) (RE-15)
- Title 108, Chapter 1 (Design Review)
- Title 108, Chapter 4 (Conditional Uses)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 12 (Towers)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 3 (Fencing requirements)
- Title 110, Chapter 1 (Western Weber Signs)

Summary and Background

Verizon Wireless has submitted a proposal that includes plans to establish a telecommunications tower located on the south-east corner of a lot owned by Washington Heights Baptist church in the Uintah Highlands area of Weber County. The project will occupy approximately 2,000-sq. ft. of the 43.16-acre parcel. The site is located in the RE-15 zone and is permitted as a conditional use as a "Public Utility Substation".

The proposed cell tower has been designed in a way that will be non-obtrusive and the materials and design will be in harmony with the existing church building. It has been designed in a way that will conceal the antennae that are affixed to the top of the tower (see Exhibit B). There will be an on-site diesel generator which will provide back-up power. The generator features a double belly fuel tank which will ensure that fuel will not be exposed to the soil or storm water runoff.

A cell tower in this location will be beneficial to the owner as well as users of the Verizon Wireless cellular network.

There is a trail access to the south of the project area that was created as a continuation of the Bonneville Shoreline Trail. This project will not impede access, and the applicant has expressed that the construction activity will not disturb the natural landscape outside of the project area.

On December 13, 2016 this item was heard by the Planning Commission. The Item was tabled, and the planning staff was given direction to gather information from the Weber-Morgan Health Department on human health effects from radio frequency signals. It has been found that Weber-Morgan Health Department does not regulate the cellular industry. It is required that all cellular towers be regulated by the Federal Communications Commission (FCC).

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

General Plan: As the community grows the need for public utility service demand increases. This cell site will provide better cellular coverage for residents on the Uintah Highlands bench. The project site is adjacent to a commercial area of South Ogden and this use will be in harmony with the surroundings.

Zoning: The subject property is located within the RE-15 Zone which is categorized as a residential estates zone. The purpose and intent of this zone is as follows:

"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

Site Development Standards: The following site development standards apply to the RE-15 Zones:

Minimum lot area:

- 15,000 Sq ft, with the specific uses
- 40,000 Sq ft. with specific uses
- 5 acres, with specific uses

Minimum lot width:

- 100 feet

Minimum front yard setback

- 30 feet

Minimum side yard setbacks (Accessory Building)

- 10 feet except 1 foot if located at least 6 feet in the rear of the main building

Minimum rear yard setback

- 30 feet

This proposal meets all of the site development standards stated in §104- 3 (Residential Estates Zone) and §108-10-3 (Public Utility Substation). The drawings show a side setback of 12 feet from the property line to the east of the project area, all other area setbacks are well within standards.

Site Development Standards for a Public Utility Substation: A public utility substation that is located in a residential zone may have reduced rear setbacks to the following:

- Residential zone: five feet.

Conditional Use Review: The proposed cell tower is allowed as a conditional use within the RE-15 zone. The proposed use is termed as a "public utility substation" found in LUC § 104-3-5 (5). A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The proposed conditional use, mandate a design review as outlined in LUC §108-4-31(e), (16) to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- **Considerations relating to traffic safety and traffic congestion:** Access to the site will be gained from the private parking lot to avoid causing traffic safety and congestion.

- Considerations relating to landscaping: Each corner of the site will feature DeWitt Pro-5 weed cloth under a layer of 3" cobble rock. Three five gallon Julia Jane boxwood evergreen shrubs on each corner of the site will be irrigated by a drip line irrigation system (see page C102).
- Considerations relating to buildings and site layout: The vinyl fence enclosure will feature a 12' double swinging gate that will be used to service the cell site equipment within. A 60'tall three-legged tower will be erected within this enclosure. The antennae and boxes will be concealed behind a panel on all three sides.
- Considerations relating to utility easements, drainage, and other engineering questions: The Engineering division has stated no concerns with the project.
- Considerations associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval: There are no concerns with regard to this consideration.
- Safety for persons: This Verizon cellular tower is regulated by the FCC. The FCC has set site and signal strength specifications for all cell towers in the United States. As highlighted in page six of the Federal Communications Commission Fact Sheet. "No State, local government, or instrumentality may regulate the structure, placement and modification based on radio frequency emissions to the extent that such facilities comply with federal regulations" (see Exhibit D).

West Weber Signs: Being that this stealth cell tower can double as a sign, the project shall meet the applicable criteria stated in the Title 110-1 (Western Weber Signs). The applicant has shown that the project meets side setback regulations of three feet.

Fencing requirements: Weber County LUC § 108-7-3 Fencing requirements: "Projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in *height*, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project." The applicant has agreed to comply with this fencing enclosure requirement.

Public Safety and Health: Verizon Wireless is regulated by the Federal Communications Commission (FCC). This cell tower will be in compliance with all FCC regulations. Pertinent information highlighted in the Federal Communications Fact sheet has been included in this report as Exhibit D. The Weber County Attorney has expressed that since this project will adhere to all Federal Regulations, denial by state and local government or instrumentality is not recommended.

Public Notice: A courtesy notice to the public has been sent out to all property owners within a 500 radius of the construction site.

Tax Clearance: There is no outstanding tax history related to this property.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2016-18, a conditional use permit for a Stealth Design Cell Tower located at 1770 E 6200 S Ogden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The project site is to feature a vinyl fence enclosure that is tan or beige as to blend better with the surroundings.
2. Revised plans shall be submitted prior to the issuance of the conditional use permit showing a maximum fence height of six feet and showing that the proposal meets West Weber Sign requirements.
3. The applicant shall maintain the site with a good visual appearance and structural integrity.
4. The applicant will provide a sign package showing total square footage of all signs on the property to determine the allowable sign space that may be utilized on the stealth cell tower.
5. The applicant shall adhere to all federal, State and County ordinances.

This recommendation is based on the following findings:

1. The proposed use conforms to the West Central Weber County.
2. The proposed use will not cause harm to the natural surroundings.
3. The proposed use will not be detrimental to the public health, safety, or welfare by adhering to FCC regulation.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Construction Plans
- C. Site Photo
- D. FCC Fact Sheet

Area Map



Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) WASHINGTON HEIGHTS BAPTIST CHURCH		Mailing Address of Property Owner(s) 1770 E. 6200 S. SOUTH OGDEN, UT 84405	
Phone 801.479.7030	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address sam@barberbrothers.com			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) NEFI GARCIA		Mailing Address of Authorized Person 5710 S. GREEN ST. MURRAY, UT 84123	
Phone 702-429-0410	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address nefi.garcia@taec.net			
Property Information			
Project Name SAL VINTAGE RIDGE		Total Acreage 43.16	Current Zoning RE-15
Approximate Address 1770 E. 6200 S. SOUTH OGDEN, UT		Land Serial Number(s) 07-083-0077	
Proposed Use STEALTH CELL SITE FOR VERIZON WIRELESS			
Project Narrative <p>Stealth Verizon Wireless cell site. Disguised as a "fri-leg cross." The antennas will be hidden behind 3 panel screening that has a cross on the three panels.</p> <p>Electronic equipment will be located on grade w/ a back-up diesel generator. All the equipment will be screened by an 8' tall white vinyl fence.</p> <p>There will be some landscaping on the North corners of the compound.</p>			

Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

It will improve the voice & data of the existing VZW customers, And assist in emergency responding situations. A number of public safety divisions are VZW customers.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

As a result of it being a stealth design, it will blend in with the church property.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

Cell sites are always handled as a G.O.P. + vzw
will comply with all ordinary conditions of approval

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

It will add a benefit to the Weber County area.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

It does not add or take away from the environment or ecology. Does not emit pollutants.

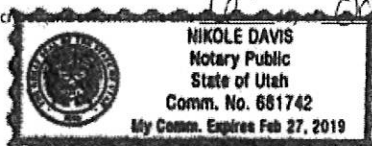
Property Owner Affidavit

I (We), Washington Heights Church, Sam J. Barbey propose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained/the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Sam J. Barbey
(Property Owner)

(Property Owner)

Subscribed



[Signature]
(Notary)

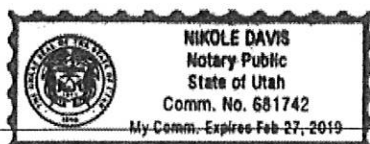
Authorized Representative Affidavit

I (We), Washington Heights Church, Sam Barbey the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), NEEL GADLUK, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Sam J. Barbey
(Property Owner)

(Property Owner)

Dated this 10th day of October 20 16, personally appeared before me SAM BARBEY, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]
(Notary)



Verizon Wireless

SAL - UINTAH RIDGE

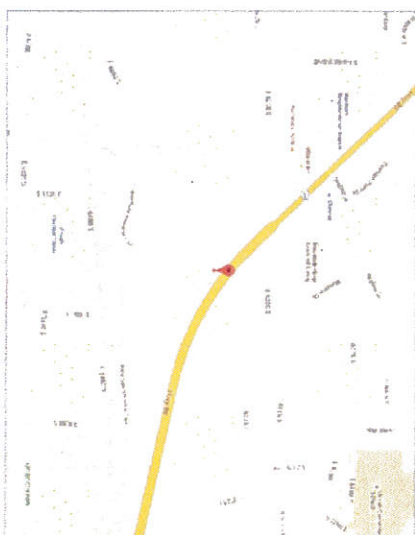
SITE INFORMATION

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CONTACT INFORMATION

TECHNOLOGY ASSOCIATES, INC.
5710 SOUTHWEST OPEN STREET
SALT LAKE CITY, UTAH 84123
CONTACT: NEFF GARCA
PHONE: 801-453-1020

LOCATION MAP



DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS, AND EXISTING IMPROVEMENTS, AND CONDITIONS ON THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

DRIVING DIRECTIONS

FROM THE SOUTHWEST CORNER OF THE PARCEL, ALONG HIGHWAY 69.
FROM THE SOUTH WEST CORNER OF THE PARCEL, ALONG HIGHWAY 69
FROM THE SOUTH WEST CORNER OF THE PARCEL, ALONG HIGHWAY 69

APPROVALS

VERSION: WIRELESS REPRESENTATIVE
VERSION: WIRELESS RF ENGINEER
DUE: SITE ACQUISITION
DUE: CONSTRUCTION MONITOR
SITE OWNER

DRAWING INDEX

SHEET FILE		REV	DATE
FILE	TITLE SHEET, VOLUME A-W, GENERAL SITE INFORMATION	1	09-22-2016
REV	SEE SUMMARY	0	
C100	ORIGINAL SITE PLAN	0	
C101	ENLARGED SITE PLAN	0	
C102	UNUSUAL PLAN	0	09-22-2016
C200	SEE EXHIBITS	1	09-22-2016



UNDERGROUND SERVICE ALERT, CALL 'BLUE STAKES OF UTAH' @ 811 OR 1-800-662-4111
THREE WORKING DAYS BEFORE YOU DIG



verizon
wireless

VERIZON WIRELESS
ONE SIXTH FREQUENCY ROAD
WEST JORDAN, UTAH 84061

TAIS
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
5710 SOUTH GREEN STREET
SALT LAKE CITY, UTAH 84113

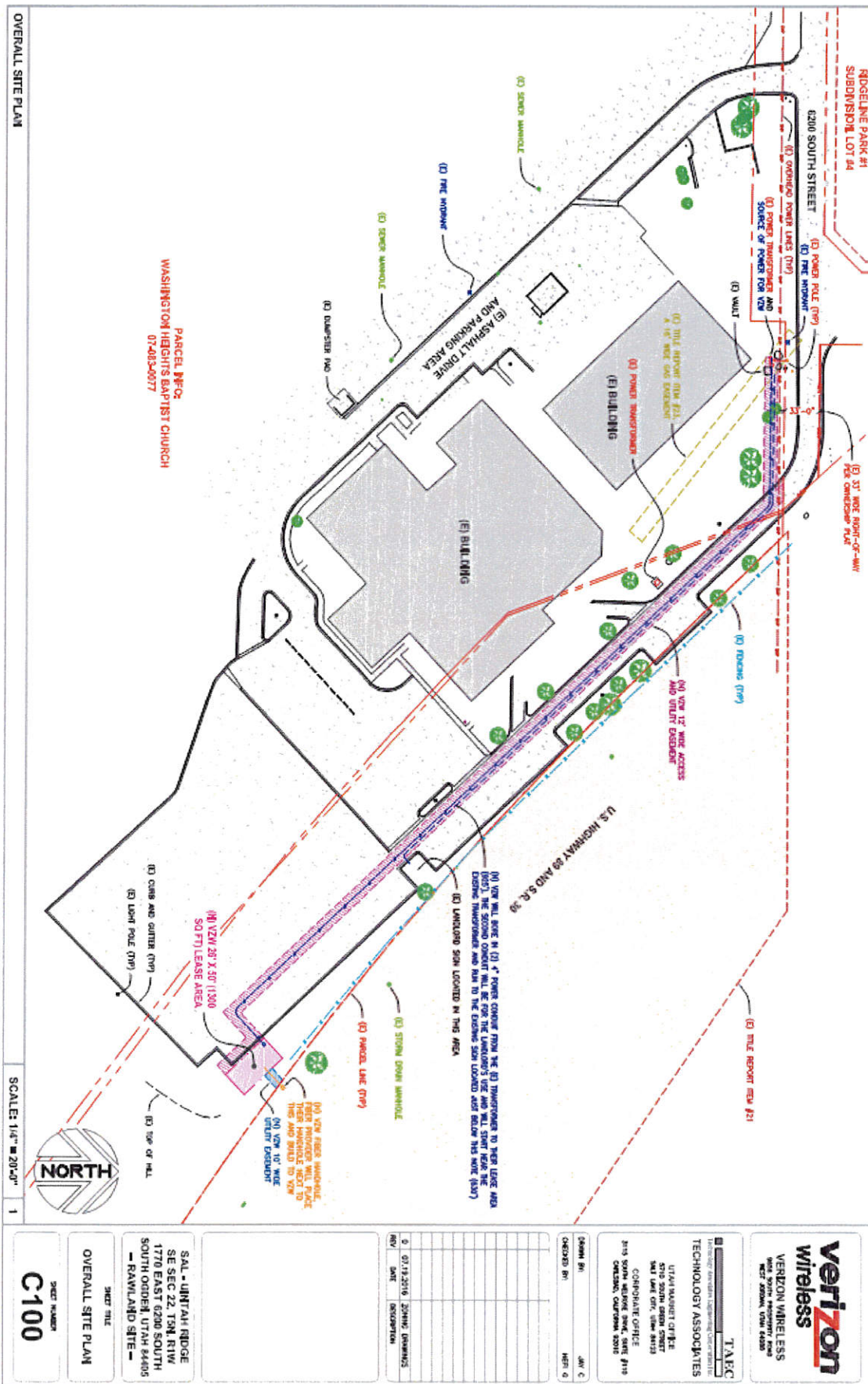
CORPORATE OFFICE
2015 SOUTH WILLOW AVE., SUITE #1100
CARLSBAD, CALIFORNIA 92010

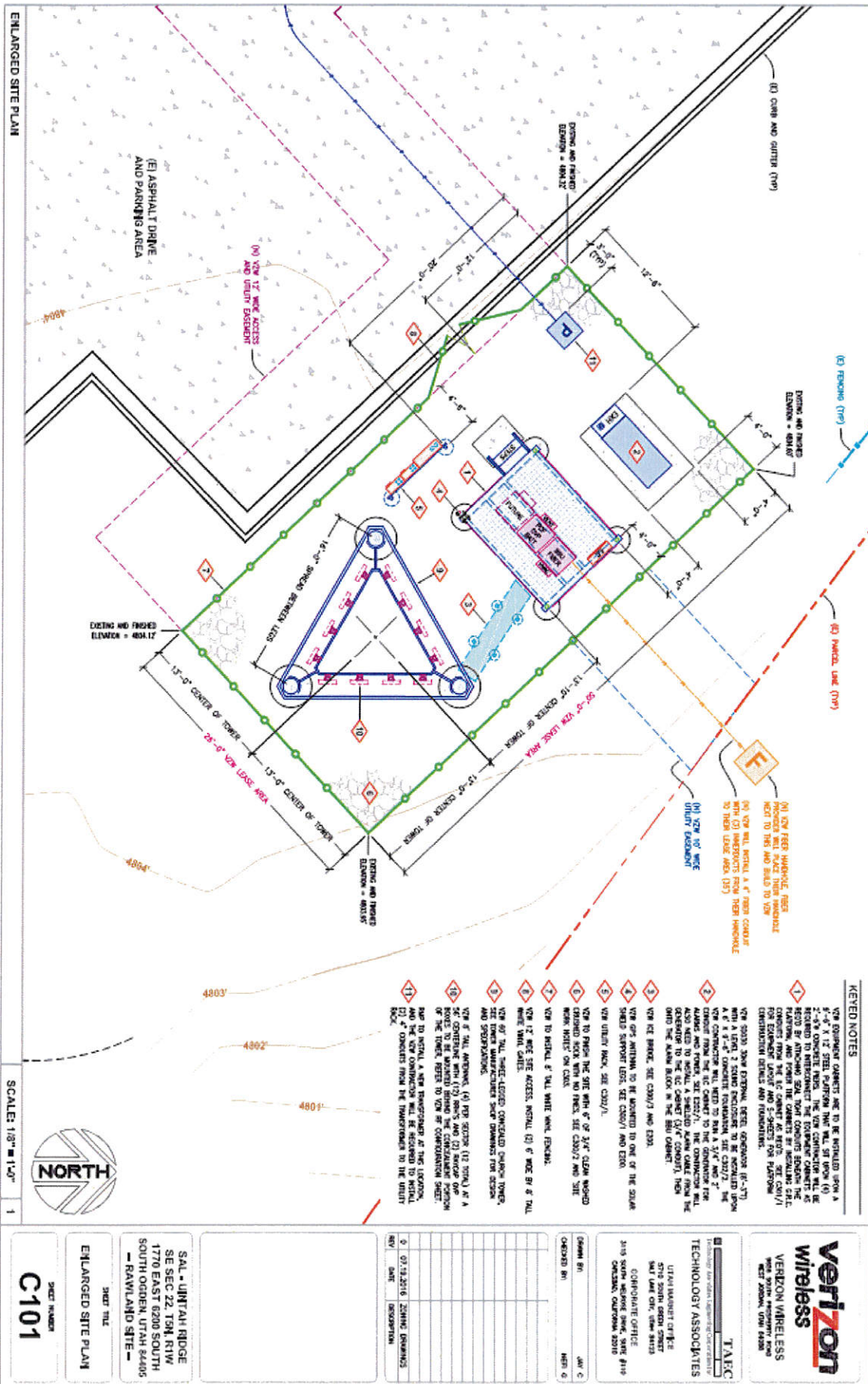
CHOCOLATE BAY

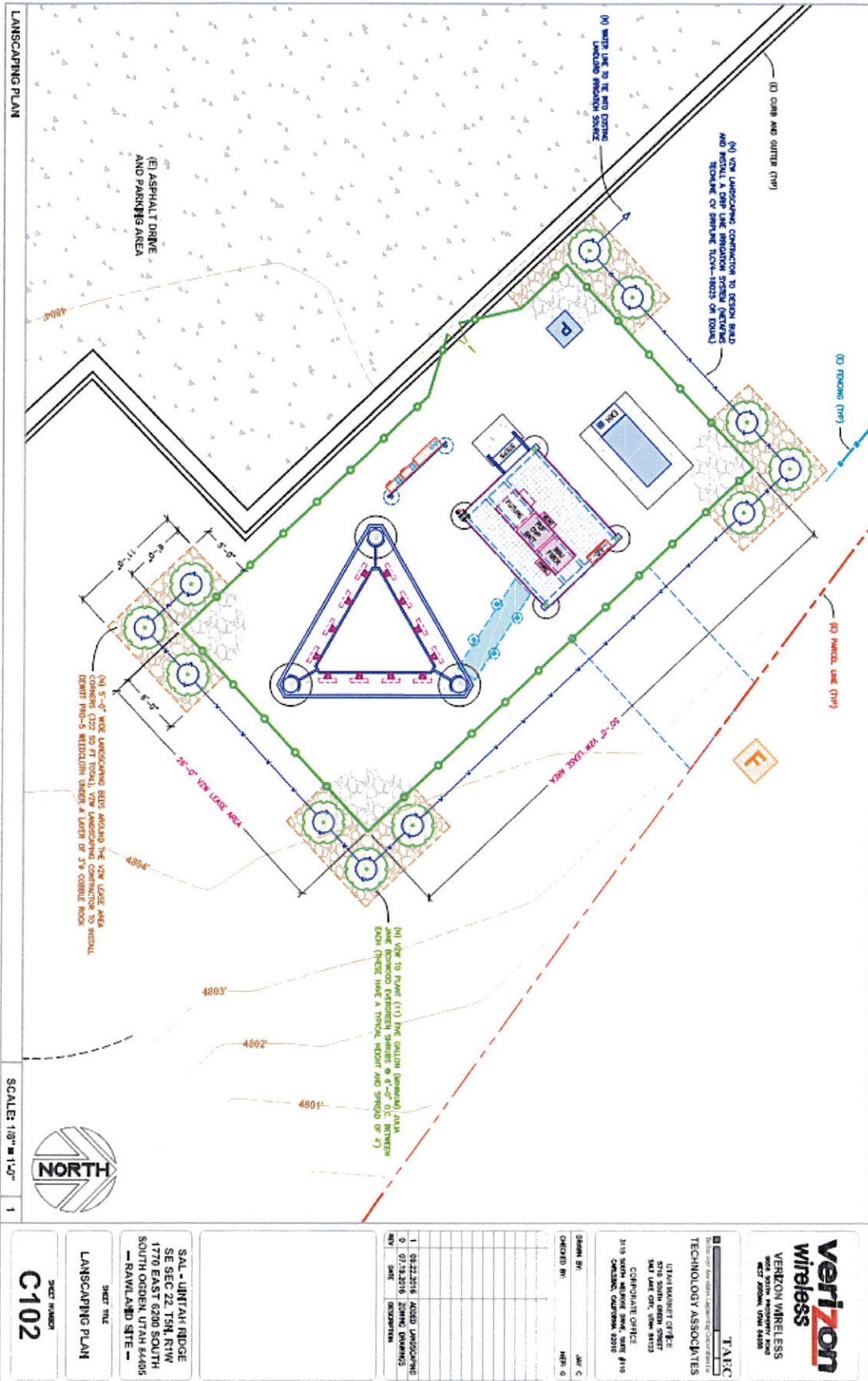
REV	DATE	DESCRIPTION
1	09.22.2016	NOTED UNRECOGNIZED
0	07.19.2016	ZOMBO DRAUMS

**SHEET TITLE
TITLE SHEET
VICINITY MAP
GENERAL INFORMATION**

T100







[illegible]

REV	DATE	DESCRIPTION	AMOUNT	CHECKED BY	DATE
3	07-04-2017	RECEIVED FROM NC			
2	08-28-2016	RECEIVED FROM NJ			
1	08-22-2016	ADDED CANCELLATION			
0	07-19-2016	2016 NC DRAWDOWN			

TAKE
Technology Association
UTAH MARKET OFFICE
5715 SOUTH GREEN STREET
SALT LAKE CITY, UTAH 84119
CONFERENCE OFFICE
2615 SOUTH WILLOW AVENUE, SUITE #110
CANTON, CALIFORNIA 92016

verizon
wireless

VERIZON WIRELESS
9000 SOUTH PERRYWAY, SUITE
1000, JORDAN, OHIO 44030

SAL - JUNTAN RIDGE
SE SEC 22, T5N, R1W
1770 EAST 6200 SOUTH
SOUTH OGDEN, UTAH 844035
- RAWLAND SITE -

SITE ELEVATIONS

SHEET NUMBER
C200





April 23, 1996

FEDERAL COMMUNICATIONS COMMISSION

FACT SHEET

Information provided by the Wireless Telecommunications Bureau**NEW NATIONAL WIRELESS TOWER SITING POLICIES**

The Telecommunications Act of 1996 contains important provisions concerning the placement of towers and other facilities for use in providing personal wireless services. Most state and local communities have worked closely with cellular and other wireless service providers on such placement plans, but this new law establishes new responsibilities for communities and for the Federal Communications Commission (FCC). The rapid expansion in the wireless industry makes these issues even more important.

This fact sheet is intended to explain the new provisions and to help state and local governments as they deal with the complex issues of facilities siting in their local communities. At the end of this fact sheet, you will find names of contacts for additional information about this area and other issues before the FCC.

Section 704 of the Telecommunications Act of 1996 (the "1996 Act") governs federal, state and local government oversight of siting of "personal wireless service" facilities. The 1996 Act establishes a comprehensive framework for the exercise of jurisdiction by state and local zoning authorities over the construction, modification and placement of facilities such as towers for cellular, personal communications service (PCS), and specialized mobile radio (SMR) transmitters:

- The new law preserves local zoning authority, but clarifies when the exercise of local zoning authority may be preempted by the FCC.
- Section 704 prohibits any action that would discriminate between different providers of personal wireless services, such as cellular, wide-area SMR and broadband PCS. It also prohibits any action that would ban altogether the construction, modification or placement of these kinds of facilities in a particular area.
- The law also specifies procedures which must be followed for acting on a request to place these kinds of facilities, and provides for review in the courts or the FCC of any decision by a zoning authority that is inconsistent with Section 704.

- Finally, Section 704 requires the federal government to take steps to help licensees in spectrum-based services, such as PCS and cellular, get access to preferred sites for their facilities. Federal agencies and departments will work directly with licensees to make federal property available for this purpose, and the FCC is directed to work with the states to find ways for states to accommodate licensees who wish to erect towers on state property, or use state easements and rights-of-way.

The attachments to this fact sheet seek to provide information concerning tower siting for personal wireless communications services. They include a summary of the provisions of Section 704 of the 1996 Act, the actual text of Section 704, and a technical information summary that describes the cellular, wide-area SMR and broadband PCS technologies that underlie the majority of requests for new tower sites.

Questions about the Telecommunications Act of 1996 generally may be addressed to Sheryl Wilkerson in the FCC's Office of Legislative and Intergovernmental Affairs, 202-418-1902 (e-mail: swilkers@fcc.gov). Questions about tower siting, licensing issues or technical matters may be addressed to Steve Markendorff, Deputy Chief, Commercial Wireless Division in the Wireless Telecommunications Bureau, 202-418-0620, (e-mail: smarkend@fcc.gov).

This Fact Sheet is available on our fax-on-demand system. The telephone number for fax-on-demand is 202-418-2830. The Fact Sheet may also be found on the World Wide Web at <http://www.fcc.gov/wtb/wirehome.html>.

SUMMARY OF SECTION 704 OF THE TELECOMMUNICATIONS ACT OF 1996

The following is a summary of key provisions. The text of Section 704 is reproduced in its entirety as an attachment to this summary.

1. Local Zoning Authority Preserved

Section 704(a) of the 1996 Act amends Section 332(c) of the Communications Act ("Mobile Services") by adding a new paragraph (7). It preserves the authority of state and local governments over decisions regarding the placement, construction, and modification of personal wireless service facilities, except as provided in the new paragraph (7).

2. Exceptions

a. States and Localities May Not Take Discriminatory or Prohibiting Actions

Section 704(a) of the 1996 Act states that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. §332(c)(7)(B)(i).

Review: Any person that is adversely affected by a state or local government's action or failure to act that is inconsistent with Section 332(c)(7) may seek expedited review in the courts. 47 U.S.C. §332(c)(7)(B)(v).

b. Procedures for Ruling on Requests to Place, Construct or Modify Personal Wireless Service Facilities

Section 704(a) also requires a State or local government to act upon a request for authorization to place, construct, or modify personal wireless service facilities within a reasonable time. Any decision to deny a request must be made in writing and be supported by substantial evidence contained in a written record. 47 U.S.C. §332(c)(7)(B)(ii), (iii).

c. Regulations Based On Environmental Effects of RF Emissions Preempted

Section 704(a) of the 1996 Act expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions. 47 U.S.C. §332(c)(7)(B)(iv).

Review: Parties may seek relief from the FCC if they are adversely affected by a state or local government's final action or failure to act that is inconsistent with this provision. 47 U.S.C. § 332(c)(7)(B)(v).

3. Federal Guidelines Concerning RF Emissions

Section 704(b) requires the FCC to prescribe and make effective new rules regarding the environmental effects of radio frequency emissions, which are under consideration in ET Docket 93-62, within 180 days of enactment of the 1996 Act.

NOTE: The pendency of this proceeding before the FCC does not affect the rules which currently are in effect governing the environmental effects of radio frequency emissions. Section 704(b) gives preemptive effect to these existing rules. See related attachments to the Fact Sheet.

4. Use of Federal or State Government Property

a. Federal Property

Section 704(c) of the 1996 Act requires the President (or his designee) to prescribe procedures by which the federal government may make available on a fair, reasonable and nondiscriminatory basis, property, rights-of-way and easements under their control, for the placement of new spectrum-based telecommunications services.

b. State Property

With respect to facilities siting on state property, Section 704(c) of the 1996 Act requires the FCC to provide technical support to States to encourage them to make property, rights-of-way and easements under their jurisdiction available for the placement of new spectrum-based telecommunications services.

NOTE: Information concerning technical support for tower siting which the FCC is making available to state and local governments is attached to the Fact Sheet.

5. Definitions

"Personal wireless services" include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. §332(c)(7)(C)(i).

"Commercial mobile services" are defined in Section 332 of the Communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 24 of the FCC's rules. 47 C.F.R. §20.9.

"Unlicensed wireless services" are defined as the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition. 47 U.S.C. §332(c)(7)(C)(iii).

COMPLETE TEXT OF SEC. 704 OF THE TELECOMMUNICATIONS ACT OF 1996

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY- Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

“(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) LIMITATIONS-

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

“(iii) Any decision by a State or local government or place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

“(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any

court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) DEFINITIONS- For purposes of this paragraph--

'(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

'(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

'(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).'

(b) RADIO FREQUENCY EMISSIONS- Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY- Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

TECHNICAL INFORMATION CONCERNING CELLULAR, SPECIALIZED MOBILE RADIO AND PERSONAL COMMUNICATIONS SERVICES

April 1996

Cellular Information

The FCC established rules and procedures for licensing cellular systems in the United States and its Possessions and Territories. These rules designated 306 Metropolitan Statistical Areas and 428 Rural Service Areas for a total of 734 cellular markets and spectrum was allocated to license 2 systems in each market. Cellular is allocated spectrum in the 824-849 and 869-894 MHz ranges. Cellular licensees are generally required to license only the tower locations that make up their outer service contour. Licensees desiring to add or modify any tower locations that are within an already approved and licensed service area do not have to submit an application for that location to be added to their cellular license, although they may need FCC approval if the antenna would constitute a major environmental action (See question 2, below) or would exceed the criteria specified in Part 17 of the FCC's Rules ("Construction, Marking and Lighting of Antenna Structures"). Part 17 includes criteria for determining when construction or placement of a tower would require prior notification to the Federal Aviation Administration (FAA). (See question 3, below.)

A cellular system operates by dividing a large geographical service area into cells and assigning the same frequencies to multiple, non-adjacent cells. This is known in the industry as frequency reuse. As a subscriber travels across the service area the call is transferred (handed-off) from one cell to another without noticeable interruption. All the cells in a cellular system are connected to a Mobile Telephone Switching Office (MTSO) by landline or microwave links. The MTSO controls the switching between the Public Switched Telephone Network (PSTN) and the cell site for all wireline-to-mobile and mobile-to-wireline calls.

Specialized Mobile Radio (SMR) Information

Specialized Mobile Radio (SMR) service licensees provide land mobile communications on a commercial (*i.e.*, for profit) or private basis. A traditional SMR system consists of one or more base station transmitters, one or more antennas and end user radio equipment which often consists of a mobile radio unit either provided by the end user or obtained from the SMR operator. The base station receives either telephone transmissions from end users or low power signals from end user mobile radios.

SMR systems operate in two distinct frequency ranges: 806-821/851-866 MHz (800 MHz) and 896-901/935-940 MHz (900 MHz). 800 MHz SMR services have been licensed by the FCC on a site-by-site basis, so that the SMR provider must approach the FCC and receive a license for each and every tower/base site. In the future the FCC will license this band on a wide-area market approach. 900 MHz SMR was originally licensed in 46 Designated Filing Areas (DFAs) comprised of only the top 50 markets in the country. The Commission is in the process of auctioning the remainder of the United States and its Possessions and Territories in the Rand McNally defined 51 Major Trading Areas.

PCS Information

Broadband PCS systems are very similar to the cellular systems but operate in a higher frequency band, in the 1850-1990 MHz range. One other difference is that the FCC used different market areas for licensing purposes. The FCC used the Rand McNally definitions for 51 Major Trading Areas (MTAs) and 493 Basic Trading Areas (BTAs). PCS was allocated spectrum for six Broadband PCS systems and 26 Narrowband systems. The six Broadband PCS systems will be licensed as follows: two Broadband PCS licenses will be issued for each of the 51 MTAs and four for each of the 493 BTAs. The 26 Narrowband systems will be licensed as follows: eleven Narrowband PCS licenses will be issued for nationwide systems, six for each of five regional areas, seven for each of the 51 MTAs and two for each of the 493 BTAs.

PCS licensees are issued a blanket license for their entire market area and are not required to submit applications to license individual cell sites unless construction of the facility would be a major environmental action or would require FAA notification. Major environmental actions are defined by the National Environmental Policy Act of 1969 that is discussed in question 2, below. Therefore, the FCC has no technical information on file concerning PCS base stations.

Frequently asked questions concerning tower siting for personal wireless services.

1. Do local zoning authorities have any authority to deny a request for tower siting?

Answer: Yes. The Telecommunications Act of 1996 specifically leaves in place the authority that local zoning authorities have over the placement of personal wireless facilities. It does prohibit the denial of facilities siting based on RF emissions if the licensee has complied with the FCC's regulations concerning RF emissions. It also requires that denials be based on a reasoned approach, and prohibits discrimination and outright bans on construction, placement and modification of personal wireless facilities.

2. What requirements do personal wireless communications licensees have to determine whether a site is in a flood plain? A historical sites must also comply with the National Environmental Policy Act of 1969 (NEPA), as well as other mandatory federal environmental statutes. The FCC's rules that implement the federal environmental statutory provisions are contained in sections 1.1301-1.1319. The FCC's environmental rules place the responsibility on each applicant to investigate all the potential environmental effects, and disclose any significant effects on the environment in an Environmental Assessment (EA), as outlined in section 1.1311, prior to constructing a tower. The applicant is required to consult section 1.1307 to determine if its proposed antenna structure will fall under any of the listed categories that may significantly affect the environment. If it does, the applicant must provide an EA prior to proceeding with the tower construction and, under section 1.1312, must await FCC approval before commencing any such construction even if FCC approval is not otherwise required for such construction. The FCC places all proposals that may significantly impact the environment on public notice for a period of 30 days, seeking any public comments on the proposed structures.

The categories set forth in section 1.1307 include:

Wilderness Area
 Wildlife Preserve
 Endangered Species
 Historical Site
 Indian Religious Site
 Flood Plain
 Wetlands
 High Intensity White Lights in Residential Neighborhoods
 Excessive Radiofrequency Radiation Exposure

3. Are there any FCC regulations that govern where towers can or cannot be placed?

Answer: The FCC mandates that personal wireless companies build out their systems so that adequate service is provided to the public. In addition, all antenna structures used for communications must be approved by the FCC in accordance with Part 17 of the FCC Rules. The FCC must determine if there is a reasonable possibility that the structure may constitute a menace to air navigation. The tower height and its proximity to an airport or flight path will be considered when making this determination. If such a determination is made the FCC will specify appropriate painting and lighting requirements. Thus, the FCC does not mandate where towers must be placed, but it may prohibit the placement of a tower in a particular location without adequate lighting and marking.

4. Does the FCC maintain any records on tower sites throughout the United States? How does the public get this information (if any)?

Answer: The FCC maintains a general tower database on the following structures: (1) any towers over 200 feet, (2) any towers over 20 feet on an existing structure (such as a building, water tower, etc.) and (3) towers that are close to airports that may cause potential hazards to air navigation. The FCC's licensing databases contain some base site information for Cellular and SMR systems. The general tower database and the Cellular and SMR data that may be on file with the FCC is available in three places:

(1) Cellular licensing information is available in the Public Reference Room of the Wireless Telecommunications Bureau's Commercial Wireless Division. The Public Reference Room is located on the fifth floor of 2025 M Street, NW, Washington, DC 20554, telephone (202)418-1350. On-line database searches of cellular licensing information along with queries of the FCC's general tower database can also be accomplished at the Public Reference Room.

(2) People who would like to obtain general tower information through an on-line public access database should call or write Interactive Systems, Inc., 1601 North Kent St., Suite 1103, Arlington, VA 22209, telephone 703-812-8270.