

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

Members Present: Jannette Borklund, Chair  
Andrew Favero  
Wayne Andreotti  
Roger Heslop  
Ryan Judkins

Member Excused: Mark Whaley  
John Parke

Staff Present: Jim Gentry, Principal Planner; Charles Ewert, Principal Planner; Ben Hatfield, Planner;  
Sherri Sillitoe, Secretary

\*Pledge of Allegiance

\*Roll Call

1. Minutes

1.1. Approval of December 09, 2014 meeting minutes

Commissioner Andreotti indicated that he submitted a minor word change previously.

Chair Borklund declared the December 09, 2014 meeting minutes approved as amended.

The Opening Meeting Statement was read at this time.

2. Administrative Items

2.1

a. Discussion: Jared Andersen, Weber County Engineer

Jared Anderson discussed the work that has been happening in the Western Weber County area.

The three main projects are:

1. The EDP Emergency Flood Control Project which has been going on for approximately two years.
2. 3500 W Roadway Upgrade Transportation Project. They were given funds from WACOG. Initially the first phase is from the county line and Kaneshville Elementary (they have one more right of way (ROW) to obtain), the second phase is from Kaneshville Elementary to 12<sup>th</sup> Street and they have begun to purchase right of way and design is the second phase of the project . He believes that this is one of the biggest road projects that unincorporated Weber County has done or where they have been the main manager of the funds.
3. They were given 50% of the monies for construction, design, and right of way acquisition from 4700 W out to the Little Mountain area.

Commissioner Favero asked on the river project if there was a time limit on the funding. Jared Anderson indicated that the NRCS time limit is 220 days (It started in 2011). The end of our existing 220 day period is March. They are looking for them to wrap that up as best as possible, however, they are hoping to have another 220 day extension which would extend the March time. If they receive an extension, they will hope to have it wrapped up by the end of the summer.

Commissioner Andreotti asked about the bank protection sites. Mr. Anderson stated that they are close to completing the bank protection sites. The debris removal is an interesting process. They are doing in-kind work. When the time that Commissioner Favero talked about ends, they cannot receive reimbursement from NCRS. They are hoping that their guys can be out there as long as possible and hopefully they can obtain additional financing to continue on-going maintenance. The river has been neglected for too long in his opinion.

Commissioner Favero indicated that hopefully the Planning Commission will be working on an update to the General Plan. The projects will be part of that. They have begun the right of way acquisition process. When they design the ROW they like to come up with an initial design which they have done. When they had public meetings, it became clear that that design would not work.

Commissioner Favero asked the status of the 12<sup>th</sup> Street ROW at 4700 W. Jared Anderson indicated that the potential is a five-lane road. Planning documents for many years have shown that a five lane road is needed. They would like to get the full 100 ft. but they are just evaluating what they need now.

Chair Borklund indicated that the Planning Commission has no jurisdiction over this project. Mr. Anderson indicated that the things that you will work through as far as the General Plan has potential on the roadways.

Commissioner Favero asked if there was a time limit on the funding for this portion. Jared Anderson indicated that the funding source was created in 2008 by WACOG, but he is not aware of any deadline on that funding source.

MOTION: Commissioner Heslop moved to take public comment on this issue now. Commissioner Andreotti seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried with all members present voting aye.

Mark Davis, 5172 W 5100 S in Hooper, he leases land in Western Weber County. He presented information to the County Commission this morning. The current General Plan was done in 2003 and under State Law Title 17 Chapter 27 Section 406 indicates that no public street or utility may be constructed or authorized until it conforms to the General Plan. He believes the County is acquiring land that they do not have the right to acquire.

Eldon Davis, showed a map from the General Plan, and the General plan does not show any proposed improvements in the area on 12<sup>th</sup> Street. He believes that the County does not have the right to use eminent domain for this purpose or proposed project. The road needs safety improvements but the County does not have the right to use eminent domain to acquire their property. He believes part of the problem is that they do not have a plan yet.

Chair Borklund indicated that as staff, they need to ask if they need to amend their General Plan or just have an update to include the proposed Engineering project area. Charles Ewert indicated that it is a possibility; he will raise the issue with Planning Director Wilkinson.

Clarissa Heaps indicated that they would like to be informed and asked their opinions on any general plan updates. They believe that they were out of the loop during the initial open house and that created a level of distrust. Jared Anderson had indicated that this is the biggest road project that they have been involved in; they would like to be involved as land owners.

- b. Consideration and action on preliminary approval of Blue Acres Subdivision Phase 4 (9 lots) including a recommendation for a deferral of curb, gutter, and sidewalk, located at approximately 4000 West 2200 South; Romney Buck, Applicant

Jim Gentry presented a report and indicated that that the applicant is requesting preliminary approval. The subdivision meets the area and lot width requirements of this zone. Each parcel will be from 40,000 square feet to a little over an acre in size. A deferral agreement for curb, gutter and sidewalk is also being requested. Irrigation ditches or canals which carry five second feet or more of water are required to install a solid board, chain link, or other non-climbable fence not less than five feet in height installed on both sides of the existing irrigation ditches. The Wilson Irrigation canal will have to be fenced.

Staff is recommending Preliminary Approval . A five foot non-climbable fence is required.

The sewer has been approved and they are working on the secondary water approval right now.

Clarification.

Romney Buck indicated that the Engineer has the design of the curb and gutter, and it will be part of their final approval subdivision plan.

Commissioner Favero asked if they can require at final instead of pre-construction. Jim Gentry indicated that he can give a financial guarantee at the time of final approval. Usually it is one of the last things that go in.

**MOTION:** Commissioner Favero moved to recommend that Preliminary Approval is given to Blue Acres Subdivision Phase 4 (9 lots) located at approximately 4000 West 2200 South contingent upon the installation of curb, gutter and sidewalk and subject to all other staff and agency recommendations including the subdivision ordinance requirements. Commissioner Heslop seconded the motion. Vote: The motion carried with a unanimous vote of all members present with Commissioners Favero, Andreotti, Heslop, Judkins and Chair Borklund voting aye.

- c. Consideration and action on final approval of Jacquelyn Estates Cluster Subdivision Phase 1 (6 lots) with a recommendation to the deferral of curb, gutter, and sidewalk improvements on 2200 South as well as on 4900 West; Craig Standing, agent CJ Homes Inc.

Ben Hatfield presented a staff report. This is in the A-1 Zone which allows for cluster subdivisions. Since July the applicant has been working on the final improvement plans for phase 1. When the Planning Commission discussed this in the past, they questioned where the sign would be located. It has since been installed. Not much has changed on the landscaping plan since preliminary approval. Before any construction could begin, final approval of the reviewing agencies would be required.

Chair Borklund asked Mr. Hatfield to show the public where the common area would be located.

Commissioner Heslop asked if the common area was in phase 1 or phase 2 and Mr. Hatfield indicated that there is common area in both phases.

Commissioner Favero asked if Central Weber played a role in this subdivision. Ben Hatfield indicated that they are currently working on an annexation plat to annex the development into the sewer district.

Craig Standing indicated that they are here for final approval and excited to get the project going to enhance the area and establish the aesthetics in the community. They will have a common garden area in the development. They hope to be able to start the project in early spring. They have agreed to hold the improvement funds in escrow to finish the project.

Commissioner Andreotti asked if the trees are tied into the common area? Craig Standing indicated that the garden area is more for people to go in and plant vegetables. The trees will be deciduous fruitless trees. Jacqueline Drive will be a private street and the HOA will provide maintenance.

Dan Holgate indicated that he lives adjacent to this area on the other side of the fence. When he built on his property, he put a drain across the front of his lot. How will that connect? If there is a fence down 4900 W and across 2200 S, he would be concerned with what will be outside of that fence and if it would be an eyesore. When he was here last July he expressed concern, but it wasn't talked about. He understands that if he is within 300 ft. that they would be forced to connect. He would oppose this. Will Jacqueline Drive residents be forced to put in solid driveways? His understanding is that some of these initial lots would be allocated to low income housing. If so, he would recommend that they be on south west end of the property. Also, who will maintain the areas left in weeds? His other question is the timing of the clubhouse and amenities that will be done.

Layne Clarke indicated that he is fine with the subdivision, but he wants to make sure that the values of their properties are maintained there. The community garden may turn into weed gardens. He believes there are questions about the 50% bonus rising up to 19 with the houses going in here. They would like to have time to study the issue as neighbors.

John Gibson expressed his concern about the intersection at 2200 S. 4700 W. does not line up. He believes now would be the time to make them line up.

Dan Holgate indicated that his concern is whether a solid fence would be extended along his two acres.

Chair Borklund indicated that the Planning Commission's recommendation is to the County Commission and it would not go to the County Commission until the Engineering standards have been fulfilled and Planning Commission has made a recommendation.

Commissioner Heslop asked if the cluster subdivision bonus densities granted met the current cluster subdivision ordinance. Ben Hatfield indicated that the county has had a cluster subdivision section in the code for many years and it was amended recently. When the Planning Commission granted preliminary approval, they were in compliance with the cluster subdivision ordinance at that time.

What does low-income housing home look like? Ben Hatfield indicated that they will still be single-family homes but marketed to lower income with federal funding to help pay their rent.

Commissioner Judkins asked who would pay the HOA fees.

Craig Standing stated that he wanted to assure the community that the intent is to market the homes. The low-income housing is a method to get the bonus density. The home will be a very nice home and it will not degrade the value of the subdivision. He will mandate the requirements that they have to meet on the exterior. The profit margin will be less on the two homes but that is the option he had to meet the bonus densities offered.

Chair Borklund asked what if they cannot find a low-income tenant when he markets the home.

Chair Borklund asked Craig Standing if he can offset some trees outside of the fence, and Mr. Standing replied yes.

Craig Standing stated that they are relooking at whether they should curb and gutter. The driveways will be solid driveways. He hasn't looked at the timing of building the clubhouse. There will be some guarantees and it would be built sometime before the second phase is proposed.

Until the HOA is established he would have to maintain the landscaping and amenities.

He does not know if the alignment of the two streets mentioned is his responsibility. Commissioner Judkins indicated that he believes it is UDOT's jurisdiction.

Jared Andersen indicated that any changes on those intersections would have to go through UDOT.

MOTION: Commissioner Judkins moved to recommend final approval as presented. Commissioner Andreotti seconded the motion. A vote was taken and Chair Borklund said the motion carried with all members present voting unanimous with Commissioners Favero, Andreotti, Heslop, Judkins and Chair Borklund voting aye.

d. Consideration and action on a request to amend an existing Conditional Use Permit Site Plan for Compass Minerals International by adopting a Master Signage Plan, located at approximately 765 North & 10500 West; Compass Minerals International, Applicant; Aaron Cain (Yesco Signs), Representative

Ben Hatfield indicated that staff has done a number of administrative approvals for the property over the years. The scope of this project is to unify the signage across their group of parcels on their 543.25 acre site. Installation of 83 new non-illuminated Business and Identification Signs to provide orientation and direction to employees and visitors is requested. The applicant has presented a spreadsheet which indicated the signs could be grouped into two categories: Business signs and Identification signs. Staff has determined that the 8 ft. identification standard allowed in the zone could be altered. Staff is recommending approval of conditional use application CUP 2014-35, subject to the conditions of approval and staff suggestions in the staff report.

Aaron Cain indicated that they are not making any changes to the site; they have just submitted a master signage plan. The company wants to unify the branding across the plant.

MOTION: Commissioner Heslop moved to approve an existing Conditional Use Permit Site Plan for Compass Minerals International by adopting a Master Signage Plan, located at approximately 765 North & 10500 West; Compass Minerals International, Applicant; Aaron Cain (Yesco Signs), Representative. Commissioner Andreotti seconded the motion. A vote was held and Chair Borklund indicated that the motion carried unanimously with Commissioners Favero, Andreotti, Heslop, Judkins and Chair Borklund voting aye.

e. Consideration and action on a request to amend, Title 110 (Signs) Chapter 1 (Western Weber Signs) and Title 104 Chapter 25 (M-3 Zone, of the Weber County Land Use Code by increasing the size of Identification Signs in the M-3 Zone from 8 square feet to 20 square feet

Ben Hatfield presented a report and indicated that Compass Minerals International (Formerly Great Salt Lake (GSL) Minerals) is requesting approval of an amendment to signage area standards regarding Identification Signs in the M-3 Zone. The current standard for Identification Signs in all zones (large and small) allows only one sign per building with a maximum size of 8 square feet. The applicant is requesting that in the M-3 Zone only that the size per building be increased to 20 square feet. This increase would allow for signs in the range of 4 x 5 feet or 3 x 6.5 feet. This size is still moderate in comparison to most buildings currently in this zone.

Chair Borklund asked how they are allowing more than one identification sign. Ben Hatfield indicated that under (6) they took that to mean per building.

MOTION: Commissioner Heslop moved to recommend approval to amend, Title 110 (Signs) Chapter 1 (Western Weber Signs) and Title 104 Chapter 25 (M-3 Zone, of the Weber County Land Use Code by increasing the size of Identification Signs in the M-3 Zone from 8 square feet to 20 square feet. Commissioner Judkins seconded the motion. Vote: A vote was held and Chair Borklund indicated that the motion carried unanimously with Commissioners Favero, Andreotti, Heslop, Judkins and Chair Borklund voting aye.

f. Election of Chair and Vice Chair for 2015

Commissioner Judkins moved that the Chair and Vice Chair for 2015 remain the same as 2014 with Commissioner Borklund as Chair and Mark Whaley as Vice Chair. Commissioner Heslop seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried unanimously with Commissioners Favero, Andreotti, Heslop, Judkins and Chair Borklund voting aye.

g. Approval of 2015 Planning Commission Meeting Calendar

MOTION: Commissioner Heslop moved to approve the 2015 Planning Commission meeting calendar. Commissioner Favero seconded the motion. A vote was taken and Chair Borklund indicated that the motion carried unanimously with Commissioners Favero, Andreotti, Heslop, Judkins and Chair Borklund voting aye.

Commissioner Judkins asked to be excused at this time.

3. Public Comment for Items not on the Agenda
4. Remarks from Planning Commissioners
5. Planning Director Report

Charles Ewert reminded the members of the Planning Commission dinner tomorrow night.

National APA Conference: Staff indicated that it is Commissioner Andreotti's turn to attend the National APA Conference if he is able to. Commissioner Andreotti expressed his interest in attending.

Chris Allred introduced Chris Crockett as a new Attorney in his office.

6. Adjourn to a Work Session

A Brief discussion was held regarding the improvements proposed on 12<sup>th</sup> Street. Charles Ewert indicated that the County Engineer is working on a Weber County Transportation Master Plan and working with Hales Engineering. Mr. Ewert had suggested to Mr. Anderson that they take it through a general plan process and Mr. Anderson had told him that it was not part of the original scope, although he might be rethinking that idea after the discussions held lately. Mr. Ewert will discuss this further with Jared Anderson in the near future.

Chair Borklund indicated that the Landfill Master Plan also needs updating due to the discussions regarding the locating of a gun range on the Transfer Station property.

- WS1. Discussion Weber County Land Use Code Revision Process: Conditional Use Standards**
- WS2. Discussion Weber County Land Use Code Revision Process: Land Use Table**

Charles Ewert indicated that he will discuss WS2 first and then WS1.

Mr. Ewert indicated that prepared a flow chart of tasks that showed the phasing process of the Weber County Ordinance update. They want to consolidate the uses that they know could be listed in the same category. Their goal is to group like things together. We are not trying to change the intent of our current code, but revise it in a way it makes the most sense for our revisions. From there they will review every use and verify that it is in the right place. This is a very long-term project and it probably won't be done for at least two years.

Commissioner Favero asked if it would be better to be done before the update or after the update. Charles Ewert indicated that he believes that the land use table should be done before the update.

Charles Ewert explained form-based codes. Form-based codes are less about keeping uses separate and more about building a community and having it look a certain way. You might have a bar next to dance studio. The goal is to group things that are similar or group like things together and/or group like zones. They can ask if the use is a negative thing. Are they trying to eliminate certain elements or people? ? Do they just let the market rule? Do they start looking at the aesthetics, the streetscape, the landscaping, parking, access, circulations, pathways, etc.?

Chair Borklund indicated that they can identify where the nodes might be in a general plan update process.

Mr. Ewert urged the members to write down their questions so they can have a conversation about it as they go along. During future work sessions where this topic is on the agenda, he asked that they bring their copies with them. As they accomplish things along the way, staff will make a fresh set of copies.

Chris Allred was excused at 7:08.

- WS1. Discussion Weber County Land Use Code Revision Process: Conditional Use Standards**

Commissioner Favero indicated that he believes it is the time to update their general plan. Chair Borklund agreed with Commissioner Favero. Charles Ewert indicated that he will raise the topic with Director Wilkinson.

Charles Ewert indicated that in his opinion every conditional use permit needs to be tied to your general plan. Granted, you can deny it if it doesn't follow your general plan but does all of your ordinances. It just means that your ordinances are out of sync with your general plan. It is a stepping point to reevaluate your general plan.

State Code: UCA 17-27a-506 Conditional uses. This section is the polar opposite of what our land use code says. Staff tries to find out what the harmful impact is to a proposal. Under UCA 17-27a-508 1(a)ii states that an

applicant is entitled to approval of a land use application. The county's code is not in compliance with state code and they will work on it.

Commissioner Heslop asked if the Planning Commission has kept a record of comments and issues raised in the 2003 General Plan and its updates so that they do not have to reinvent the wheel when they go to revisit or update the General Plan. Charles Ewert replied they keep a record of every decision they make. Commissioner Favero also replied yes; the issues are listed under administrative agenda items. The public also has an opportunity to comment on the issues.

Charles Ewert reviewed the conditional uses with the members and indicated that he would like to determine what level of detail that the members want to see in the code.

Commissioner Favero indicated that he liked the organization of the Morgan County Code. Chair Borklund indicated that she liked the organization as well although there is probably too much in it. Charles Ewert indicated that previous legal counsel Dustin Parmley was interested in keeping that level of specificity out of the code because he felt that if you open it up a little bit, they are not so locked down that you cannot creatively identify harmful impact.

A brief discussion followed regarding administrative versus legislative decisions.

Chair Borklund asked if State law requires the Planning Commission to hear Conditional uses. Charles Ewert replied no, neither conditional uses nor subdivisions need to be heard by the Planning Commission.

Charles Ewert indicated that he doesn't believe that all conditional uses need to be heard by the Planning Commission. In some jurisdictions, they allow some conditional uses to be approved by staff. Sometimes there are things that the staff does not know about. Commissioner Favero indicated that notice to property owners still go out, even if staff approves them administratively so property owners could still have their say.

Where is the line where public input is absolutely necessary and where it is not? Somewhere in between there they can make a point to allow staff to make the decision administratively. That would allow the Planning Commission to actually look at the ordinances.

Charles Ewert referred the members to a Conditional Use Deliberation Method worksheet that he created. Step 2 is to provide the detrimental effects, and Step 3 Reasonable conditionals to apply. There is some discretion built into the model. Step 4 is to provide findings.

When a case goes before a judge, the only thing that the judge can go on is the record or meeting minutes. Without the findings, the decision can be denied. Chair Borklund indicated that the minutes are the official record that goes to court. They should read the minutes to make sure that what happened is properly recorded.

Charles Ewert indicated that as he reviewed the existing code, he saw the progression that happened over the years in the code organization per zone. He showed the progression of uses in each zone to the members by map. The agricultural zones stood out the most to him. As they move away from the city core, the uses became heavier.

There being No Further Business, the work session was adjourned at 8:04 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Division