

Minutes of the May 13, 2014 Western Weber County Township Planning Commission, held in the Weber County Commission Chambers, 2380 Washington Blvd., 1<sup>st</sup> Floor, Ogden, UT

Members Present: Mark Whaley, Vice Chair  
Doug Hansen  
Ryan Judkins  
Wayne Andreotti  
Andrew Favero  
John Parke

Member Excused: Jannette Borklund

Staff: Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner; Steve Parkinson, Planner; Monette Hurtado, Legal Counsel; Sherri Sillitoe, Secretary

- Pledge
- Roll Call

Vice Chair Whaley called the meeting to order; he led those in attendance with the pledge of allegiance and conducted the roll call as listed above.

1. Minutes
  - 1.1. Approval of the April 08, 2014 minutes

Vice Chair Whaley declared the April 08, 2014 meeting minutes approved as amended.

Director Wilkinson summarized the Opening Meeting Statement.

Petitions, Applications and Public Hearings

2. Administrative Items

2.1. New Business

**a. LVM081913 Consideration and action for Final Approval of Mallard Springs Subdivision, 21 Lots, located at approximately 4000 West 2550 South (Doug Hamblin, Applicant)**

Steve Parkinson presented a staff report and indicated that this received preliminary approval in September 2013 where there were a few concerns that the Planning Commission had. Now, the applicant is requesting final approval of Mallard Springs Subdivision (21 lots). The applicant wants to divide a vacant 24.89 acre parcel and create twenty-one new building lots. This subdivision is located in the A-1 Zone. The A-1 Zone requires a minimum of 40,000 square feet in area and a lot width of 150 feet per dwelling. These lots meet these requirements. An eastward extension of 2475 South from within Hunter Place Subdivision is required for this subdivision. A separate main access will come from 2550 South at approximately 4050 West. Two road stubs will be left for future development, including a 10.5 acre parcel to the west and a 21.82 acre parcel to the north.

The proposed lots will receive culinary water services from Taylor West Weber Water and secondary water from Hooper Irrigation. These lots will have sewer service from the Central Weber Sewer Improvement District. Eight new fire hydrants are proposed with the extensions of the new roads.

The applicant had Reeve & Associates conduct a traffic study. Within the letter it states that the Annual Average Daily Traffic (AADT) will be 200 vehicles per day generated from this development. The study also looked at the location of the proposed road (4050 West) as it connects into 2550 South. The proposed 4050 West road is 656 feet east of 4150 West and is 165 feet west of the canal. In both directions there is a clear line of site of 1,000 feet or more. Staff recommends final approval of Mallard Springs Subdivision (21 lots), conditioned on complying with all review agency requirements.

Doug Hamblin indicated that he believes they have gone beyond what the Planning Commission requested in September. They will have CC&R's that will require the homes to be equal to or exceeding the existing homes to the west of it. He has worked on this piece of property for approximately eight years. He knows the water table is as high as the subdivision to the west, but believes they will mitigate the effects. The detention pond is on the northwest corner.

Karen Price, 4046 W 2550 S, indicated that the bus stop was not addressed in regard to the narrow ditch. She asked if the developer would be fencing the rear of her property (part of her property is already fenced, Lot 14, so that she did not have to deal with the detention pond and vandalism of her property.

Doug Hamblin replied that he could install a chain link fence if the county allowed him to do so. Steve Parkinson indicated that there is distance between the edge of the sidewalk and the property line along 4050 West. Mr. Hamblin indicated that this would leave a strip of property in weeds. Sean Wilkinson indicated that along the road, a fence would only be allowed to be three feet in height due to the clear site regulations. The County does not want to see a weed patch created, but technically a fence could go there. Mr. Hamblin would recommend that they go to the sidewalk with the fence.

Commissioner Hansen asked the applicant if he considered a cluster subdivision. Doug Hamblin indicated that he did, but he could not make the numbers work. Also, he felt that there was a need for one-acre lots. Because they will have curb, gutter, sidewalk and sewer, he believes people will desire the one-acre lots. They will install curb, gutter, sidewalk and sewer which are costly, but he believes the lots will be desirable.

MOTION: Commissioner Parke moved to recommend approval to the County Commission of LVM081913 for Final Approval of Mallard Springs Subdivision, 21 Lots, located at approximately 4000 West 2550 South subject to agency comments and approvals. Commissioner Judkins seconded the motion. A vote was taken and Vice Chair Whaley indicated that the motion carried (6-0).

### 3. Legislative Items

#### 3.1. New Business

- a. **ZTA 2014-03** **Consideration and recommendation on a requested to amend the Weber County Land Use Code, Title 108 (Standards), Chapters 5 (Planned Unit Residential Development), 7 (Supplementary and Qualifying Regulations), and 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations) to provide ordinance clarifications regarding nightly rental requirements, generally.**

Sean Wilkinson presented a report and indicated that this application started as a request from an Ogden Canyon resident to change an Ogden Valley Zone (the FR-1 zone) to allow nightly rental uses by conditional use permit. The Ogden Valley Planning Commission forwarded to the County Commission a recommendation for denial for that request. However, as part of the review of the request staff discovered that there were several sections of current code that needed clarification as they relate to nightly rentals. The Ogden Valley Planning Commission separated these clarifications into a second issue, and provided a recommendation for approval to the County Commission. Because the clarifications affect code sections generally applicable in Western Weber County as well, they are submitted to the Planning Commission for their consideration and recommendation to the County Commission.

These clarifications are regarding supplemental requirements for nightly rental uses, parking requirements for rental sleeping rooms, and Planned Residential Unit Development (PRUD) requirements as they relate to nightly rentals.

When making legislative considerations for land use matters the Planning Commission should focus on providing a reasonable balance between certain private property rights and the potential negative impacts on others. The staff report lists some considerations to assist the Planning Commission to find such balance for this issue (nightly rental terms - 3 days or 30, parking requirements for rental sleeping rooms and PRUD requirements as they relate to nightly rentals). Director Wilkinson explained these considerations.

Commissioner Judkins asked where they came up with the  $\frac{3}{4}$  parking space requirement. Sean Wilkinson indicated it is listed for consistency since other parts of the code refers to that number as well. Commissioner Judkins asked staff to explain what other zones allow nightly rentals and Mr. Wilkinson replied in the CVR-1, DRR-1, and FR-3 Zones, none of which are in Western Weber County. Commissioner Hansen asked staff to further explain the nightly rental issue.

Commissioner Judkins asked Scott Mendoza, as a citizen, his opinion of the proposed ordinance amendments. Mr. Mendoza agreed that returning nightly rentals from three days back to 30 is an important thing to do. He also believes it makes sense to amend the ordinance parking requirements as well to ensure that there is adequate parking.

Commissioner Andreotti asked if the change would be in conflict with agri-tourism. Sean Wilkinson replied that he did not believe so.

Commissioner Judkins asked staff to explain the term "lockout sleeping room."

MOTION: Commissioner Parke moved to recommend approval to the Weber County Commission of ZTA 2014-03 to amend the Weber County Land Use Code, Title 108 (Standards), Chapters 5 (Planned Unit Residential Development), 7 (Supplementary and Qualifying Regulations), and 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations) to provide ordinance clarifications regarding nightly rental requirements as presented. Commissioner Hansen seconded the motion. A vote was taken and Vice Chair Whaley indicated that the motion carried (6-0).

4. Public Comment for Items not on the Agenda - None
5. Planning Commission Remarks - None
6. Planning Director Report - None
7. Legal Counsel Remarks - None
8. Adjourn to a Work Session

The regular meeting was adjourned at 5:48 p.m. to convene a work session.

WS1. Cluster Subdivision Discussion

Scott Mendoza indicated that they will take a look at a couple of examples for sketch plan approvals which they talked about very briefly previously. In both counties, there are a lot of standards; however, he believes they are looking at being very conceptual. He proposed a sketch plan endorsement approval application. It is very much like the first page of a staff report that they members would see in a meeting packet.

Commissioner Favero asked if they would automatically get on the next regular meeting agenda.

In response to a question by Commissioner Favero, Scott Mendoza indicated that they will require a sketch plan endorsement application and plan only 14 days prior to the next meeting policy. With the concept sketch, the members should be able to give an applicant feedback before they would submit more detailed plans.

The members reviewed the draft cluster subdivision ordinance amendment.

Commissioner Hansen indicated that he like to see the first sentence of the purpose and intent statement retained. Scott Mendoza indicated that he removed it because it sounded more like a general plan statement. Commissioners Parke and Judkins indicated that it is restated in another area.

Mr. Mendoza indicated that sketch plan approval is already listed in the cluster subdivision ordinance, however it was not used.

The members asked Mr. Mendoza to change the wording of the map required to "Vicinity map with aerial photo." Sean Wilkinson indicated that the biggest issue they may see out west is the elevation and if the property is above the 4215' elevation.

It was decided that the fee of \$50.00 should be added to the application.

The meeting was adjourned at 6:35 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Commission