



## WESTERN WEBER PLANNING COMMISSION

### MEETING AGENDA

October 09, 2018

5:00 p.m

**Training: Planning Commission Training – Matthew Wilson at 4:00pm**

- *Pledge of Allegiance*
- *Roll Call:*

#### 1. Approval of August 14, 2018 Meeting Minutes

#### Petitions, Applications, and Public Hearings

##### 2. Administrative items

###### a. New Business

- 2.1 CUP# 2018-10 Consideration and action on a conditional use permit application for a residential facility for four handicapped persons. Applicant: Shannon Wilkins
- 2.2 Consideration and action on a revision to the phasing plan of Sunset Equestrian Cluster Subdivision. Applicant: Doug Nosler (Representative)
- 2.3 LVS091818: Consideration and action on a request for final approval of Sunset Equestrian Cluster Subdivision Phase 2. Applicant: Doug Nosler (Representative)
- 2.4 CUP# 2018-06: Consideration and action on a conditional use permit application for a gravel crushing and soil conditioner manufacturing site located in the M-3 zone, at approximately 10485 W 900 S, Ogden. Applicant: Cody Turner
- 2.5 LVS082218: Consideration and action on a request for final approval of Sun Crest Meadows Subdivision Phase 2. Applicant: Stan Nielsen and Dee Wight
- 2.6 LVF071318: Consideration and action on preliminary approval of Fenster Farms Phase 2 Subdivision (8 lots). Applicant: Kenny Palmer (Representative)

##### 3. Legislative items

###### a. New Business

- 3.1 ZMA 2018-06: Public hearing regarding a proposal to rezone approximately 3.5 acres located at approximately 2220 E. Eastwood Drive from the RE-15 zone to the R-1-10 zone. Applicant: HCA Investments; Jeremy Jaggi (Agent)
- 3.2 Public hearing for the following items:
  - a. GP#2018-05: A proposal to amend the West Central Weber County General Plan to allow for more commercial acreage on property at the intersection of 4700 West and 12th Street. This general plan amendment will consider commercial acreage for property on the west side of 4700 West. Applicant: Dennis Costesso
  - b. ZMA 2018-07: A proposal to rezone approximately 10 acres located at approximately 4733 W 1150 S from the A-1 zone to the C-1 zone. Applicant: Dennis Costesso
- 3.3 GP#2018-04: A public hearing regarding a proposal to change the Western Weber County Resource Management Plan and the Ogden Valley General Plan specifically related to forest firefighting management of roadless areas on Forest Service Land. This amendment is focusing on the County's limited role in offering the state and the forest service guidance as to appropriate forest management principles. Applicant: Weber County

4. Public Comment for Items not on the Agenda
5. Remarks from Planning Commissioners
6. Planning Director Report
7. Remarks from Legal Counsel
8. Adjourn to Work Session

WS1: A discussion regarding the creation of commercial design standards for the Western Weber County Planning Area

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> 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***

## Meeting Procedures

### Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

### Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

### Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
  - ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.
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**Minutes of the Western Weber Planning meeting of August 14, 2018, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.**

**Members Present:** Blake Hancock-Chair  
Jannette Borklund  
Bren Edwards  
Mark Whaley

**Members Excused:** John Parke  
Greg Bell  
Jennifer Willener

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner/ Long Term Planner; Steven Burton, Planner III; Felix Lleverino, Planner II; Matthew Wilson, Legal Counsel;

- Pledge of Allegiance
- Roll Call

Chair Hancock asks Mr. Heslop to come to the front. He states that they want to recognize the outstanding service that Mr. Heslop has performed for the Western Weber Planning Commission and Weber County. Mr. Heslop has had several other terms of service for the Planning Commission, beyond the four stated. Chair Hancock adds that they would like to present him with a token of gratitude on behalf of the Planning Staff and the Planning Commission. He thanks Mr. Heslop for his service.

Chair Hancock asks if the Planning Director has an opening statement.

Director Grover states that as far as the items go, they would like to have the Work Session in the Commission Chamber so that the public can be a part of that.

**WS1: Discussion and input on the Western Weber Future public involvement process.**

Mr. Ewert states that the County Commissioner asked that the Planning Staff go out to the public of Western Weber County to find out how they feel about the future land use and land use regulation and any changes they feel are necessary. One of the reasons for zoning is to separate different kinds of uses. The question is how to help two conflicting land uses work together in harmony. It was also important to get some feedback on what they're hoping for the future. There was four meeting and each one was followed by a survey. The County Commission asked the Planning Staff to produce some maps that speak for what the public is asking for. One of the biggest misconceptions that the public had was that the County didn't really care about what the they want, they were just doing it for show. He adds that they did their best to reassure the public that this was not the case. He states that one of the things they did was have blank maps for the public and let them draw on them to get an idea of they have in mind for the future. He was able to take all the feedback and the drawings of the map and condense into a set of maps to communicate what was voiced by the public. People who live in smaller lots that don't have any development potential would like to see it stay as rural and quaint as the community they purchased into. They don't want to see the rural character lost if all the agriculture is split up into homes. There are people who own land and have the potential to develop. There is some conflict. One type says they want to see their land use rights stay open. There was a minority of farmers who say they are never going to develop, and they want everything to move down south to keep the rural

nature there. As far as transportation goes he tried to communicate to the public the information he got from Hales Engineering. Hales is a consultant that the County hired, the main thing they stated was that there is a need to fill in the grid system. Use section lines as the one mile and commence for the grid system and continue to fill out. There is not a lot of controversies there but there are some portions where there are section lines running right through the middle of the farm or somebody's property. Regarding the West Weber Corridor, he states that the public was informed that Weber County is going to plan assuming the West Weber Corridor is going to happen. Weber County does not have any control over the West Weber Corridor. It is a UDOT road and a UDOT facility. The public made it clear they don't want it cutting through the middle of their agriculture communities. There was some discussion about moving further out west, and he let them know that if they were passionate about this it is something that can be brought to the County Commission, to see if they are interested in negotiating with UDOT to take it further west. There are some pros and cons to that there is a lot more wetland mitigation, travel demand models are going to be different. It's going to be a lot more expensive in terms of infrastructure. There is no telling what UDOT is going to say or if the County Commission chooses to bring this before them. Regarding parks and recreation, it has not been much of a priority out there. There has been some synergy with the expansion of the park districts in the area. This is an area where there was some support. The public would like to see some multiuse pathways along the major roads, and some park facilities. Mr. Ewert gives an overview of the survey results. The results are listed in Weber County Miradi under the title Western Weber: Exploring the Future. <https://miradi.co.weber.ut.us/projects/view/3834>. All the documents, maps, and responses are available online. Chair Hancock and Commission Whaley thank Mr. Ewert for his time and effort.

Commissioner Whaley states that the topic of changing the General plan has been brought up. Is there a reason why it hasn't been done? Mr. Ewert states that it is because of funding and public will. Commissioner Whaley asks how close they are to the new General Plan? Mr. Ewert states that it will be brought up at the budget meeting. Director Grover states that it was brought up last year but the County Commission felt it wasn't appropriate at the time, and they asked staff to do community outreach to get an idea of the community's thoughts. The comments are being brought to the Planning Commission and to the County Commission. He adds that the budget will most likely not be there for next year, it may be a few years down the road but it's up to the County Commission. Commissioner Borklund asks if it would help to make a recommendation to expedite it. Director Grover states that they can do that, but it's up to the legislative body determine it.

Chair Hancock asks if there are any more questions. There are none.

Chair Hancock asks if there are any ex parte communication or conflicts of interest to declare. There are none.

**1.1 LVD061218: Consideration and action on a request for final approval of D.M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden.**

**1.2 DR 2018-10: Consideration and action on a design review application for a 20,000 square foot parts storage building located at 2100 N Rulon White Blvd, Ogden.**

Chair Hancock asks if any consent item that the Planning Commissioners would like to pull. Commissioner Edwards states that he would like to pull item 1.2 DR 2018-10 to discuss further on the sidewalk requirement. Chair Hancock asks if there is a motion.

**MOTION:** Commissioner Borklund moves to approve item number 1.1 DR 2018-10: Consideration and action on a design review application for a 20,000 square foot parts storage building located at 2100 N Rulon White Blvd, Ogden. Commissioner Edwards seconds. Motion carries (4-0)

Regarding item 1.1 LVD061218: Consideration and action on a request for final approval of D.M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden. Chair Hancock asks what Commissioner Edwards concerns are. Commissioner Edwards states that he understands that it meets the requirement of the one mile from the school. He feels that with the tow large drain ditches on both sides, the requirements of the sidewalk can be added into the deferral and can be installed at the time of the curb and gutter.

**MOTION:** Commissioner Edwards moves to approve LVD061218: Consideration and action on a request for final approval of D.M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden with the deferral agreement to included sidewalk and curb and gutter to be signed by the applicant prior to the recording of the final mylar. The findings are that the proposed subdivision conforms with the West Central Weber General Plan, and complies with acceptable County ordinances. This recommendation is based on the conditions and findings listed in the staff report. Commissioner Borklund seconds. Motion carries (4-0)

**2.1 LVS120716: Consideration and action on a request for final approval of Sun Crest Meadows Subdivision Phase 1**

Mr. Burton gives an overview of the proposal as listed in the staff report. Chair Hancock asks if there are any questions for Mr. Burton. There are none.

Carson Jones 1106 W 4050 N Pleasant View states that this has been a long time coming, they have submitted an application for phase 2. There have been some discussions trying to finalize the plat after preliminary approval.

Chair Hancock asks if there are any questions for the applicant Mr. Jones. There are none.

**MOTION:** Commissioner Edward moves to grant final approval on LVS120716: Consideration and action on a request for final approval of Sun Crest Meadows Subdivision Phase 1. This recommendation is based on the conditions and findings as listed in the staff report. Commissioner Whaley seconds. Motion carries (4-0)

**3.1 ZTA 2018-02: Public hearing to discuss and take comment on a proposal to amend the following section of the Weber County Code: Standards for Detached Single-Family Dwelling (Chapter 108 Title 15) to add standards for single-family dwellings with secondary kitchens.**

Chair Hancock asks Director Grover to introduce the item.

Director Grover states that this is a public hearing to discuss and take comment. It is a legislative item and the Planning Commission will be making a recommendation to the County Commission. There will be a public hearing and after that is done, the public hearing will need to be closed. Staff will be representing this item as a cleanup language. Ronda Kippen will be explaining how it is complying with the code.

Mrs. Kippen states that as this is a legislative item, it does offer the ability for wide discretion. Examples of legislative items are General Plan, Zoning Map, and Land Use Code amendments. The reason for addressing second kitchen standards at this point is that the code has a section that has criteria for single-family dwellings, but it doesn't address a kitchen or a secondary kitchen. Most homes have now had a full secondary kitchen or a kitchenette in the house. This opportunity should be available. There was a recent change to the state statute with House Bill 232 states if a land use regulation does not restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application. By adding specific standards for more than one kitchen in a detached single-family dwelling Title 108 chapter 15, the County will be able to regulate the secondary kitchen for the benefit of one family and will not be used to turn

a single family dwelling into a multifamily dwelling in zones that do not allow for multifamily uses. Weber County has had a historic policy of recording a second kitchen covenant when a building permit is being issued that has more than one kitchen to ensure the dwelling will remain a single family dwelling however the land use code does have specific standards for dwellings with more than one kitchen, currently Weber County follows the international building code which identifies what a kitchen is. A kitchen is a room that has a sink, a refrigerator, a stove, and a range. To have a home you have to have a kitchen, a restroom, a bedroom, and a living room. She adds that they have looked at a multitude of different codes and keeping in mind what is best for Weber County's needs. The West Central Weber County General Plan adopted 2003 states that the current 1-acre residential zoning dominate in the area desired is the general concept of large lot development is overall performance a continuation of single family residential development, not high-density development. The desire for Western Weber to maintain a single family residential area and not be moving into a multifamily development. There has been one public hearing and public comment received from the Ogden Valley Planning Commission. This item was noticed per state statute and was placed on the County website and the State public notice website and local newspaper. There was a typo, in the staff's recommendations it should say that the Western Weber Planning Commission recommends approval of text included as Exhibit A and B of the staff report based on the following findings, the changes cause no adverse effects to the intent of the plan. The clarification will provide for more efficient administration of the land use code and the changes will enhance the general welfare of the County Residents. Ms. Kippen gives an overview of Exhibit A. she states that the Planning Director had her put where single family dwellings are permitted because there are some zones that do not permit single family dwellings. The portion referring to keys and deadbolt locks or another manner of limiting or restricting access from additional kitchen to the remainder of the dwelling unit was removed. The Ogden Valley Commission was not comfortable with that; they believe that the owners should be able to have locks on any doors they want. The change now states that the no portion of the single-family dwelling shall be locked off for the purpose of a rental. She adds that if the Planning Commission would like they can reword it to make it more clear. The other portion that was modified was on line 61 regarding the dwelling unit's owner shall sign a notarized agreement and what they have been signing is a covenant that runs with the land and the change has been added to be consistent with what the County has done. It is signed at the time of the building permit; it is recorded against the property. It shows up on future abstracts for the future owners. This lets them know that they can't rent it but it allows them to apply for a conditional use permit if they would like to do an accessory apartment. The accessory apartment has its own limitations; it can be any greater than 800 sq. ft. It's very restrictive and a lot of people don't like that, they want to be able to rent out the entire bottom level. She states that this is what they are intending to insert into the detached single-family dwelling. The intent is to provide clear standards of what one or more kitchens qualify for in a single family dwelling, and can, therefore, require a secondary kitchen covenant to be recorded with the property. If there are complaints about multiple families living in one home the ordinance is available to back any zoning complaints.

Commissioner Borklund asks if the documents they sign are recorded at the County Recorder's office. She also asks if the owner wants to rent out space in the future, is there a process by which they can do that? Mrs. Kippen states that that is correct the documents are recorded at the County Recorders. She also states that at no time can there be two families renting a home, only one family can rent the home. Regarding accessory apartments, the requirement is that the homeowner lives there. At no point can there be two families living there, but they do have the right to turn it into a rental. The intent is for it to always remains the appearance of a single family dwelling and not as a duplex.

Commissioner Borklund asks if they want to make it an accessory dwelling unit, they can do that through a conditional use permit. They have to get it approved and licensed and taken care of. Mrs. Kippen states that this is correct. She adds that line 66 states that an additional kitchen shall not be established in a one family dwelling unit which contains an accessory apartment whether or not such apartment was established pursuant to Title 108. Basically what it is saying a third kitchen cannot be created. If the owner has two kitchens they can apply for an accessory apartment.

Chair Hancock ask if there are any further questions for Mrs. Kippen. There are none.

Chair Hancock opens the public hearing. There is no public comment.

**MOTION:** Commissioner Borklund moves to close the public hearing. Commissioner Edwards seconds. Motion carries (4-0)

**MOTION:** Commissioner Whaley moves to approve ZTA 2018-02 based on the text included as Exhibit A and B this is a correction to the staff report based on the following findings. That the changes cause no adverse effects on the intent of the general plans. The clarifications will provide for more efficient administration of the Land Use Code. The changes will enhance the general welfare of the County Residents. Commissioner Borklund seconds. Motion carries (4-0).

**3.2 ZTA 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-02) and proposed rezone (ZMA 2018-02) for land at approximately 650 South, 7900 West. The general plan amendment would change area designated as future "industrial" to future "residential/agricultural." The rezone would change area currently zone M-1 to A-2. a. Decision regarding File #GP 2018-02, a request to amend the West Central Weber County General Plan. b. Decision regarding File #ZMA 2018-02, a request to amend the County's zoning map, rezoning areas designated as the M-1 zone to the A-2 zone.**

Chair Hancock asks Director Grover to explain item 3.2-ZTA-2018-02.

Director Grover states that this a discussion regarding the General Plan amendment, and proposed to rezone ZMA-2018-02 at 6500 S 7900 W. The General Plan amendment would change the area designated as future industrial to future residential agriculture. The rezone would change the area currently M-1 to A-2. He notes that this item was reviewed at the last meeting and there was a public hearing and it was closed, but the Planning Commission can choose to take additional comment. Charles Ewert will be the presenter for this item and he will give an overview of the item and John Price will explain his proposal and Mr. Ewert will give his recommendation.

Mr. Ewert reiterates that this item was seen at the last meeting. He states that it was packaged in a complicated request, it was meant to be efficient but it ended up being too much. Planning Commissioners asked to pull it apart, and to provide maps to get visual of the different options. He states that he wants to reverse engineer the outcome and see how the zone map could be changed to get to the outcome.

Mr. Ewert gives an overview of the staff report.

He states the current General Plan states don't make any changes. It is a realistic outcome, and the Planning Commission would be satisfying the terms of the General Plan if they made that decision. It is important to keep in mind that the applicant deserves a fair consideration. Staff originally proposed to rezone everyone, at the time it seemed like there was a majority support. It wasn't until the public hearing that staff became aware that there wasn't unanimous support. Any changes made need to be in compliance with the General Plan. The General Plan shows the future land uses of the area. Staff's recommendation originally was to take the whole area and make it future agriculture and residential. The General Plan is intended to show what the plan is for the future. Mr. Ewert gives an overview of the different options as listed in the staff report.

John Price 400 S 6700 W states that in talking to Mr. Ewert he feels that one of the main things that he wants is to protect the Hayes property so that they are able to operate and continue their business. Mr. Price further explains the maps and gives an overview of his reasoning for the application. He states that the area where is property is, 21 homes have been built around his property, it has changed the area. If it wasn't for those



homes he would not feel the need to request a rezone. At this point, the best use of the land seems to be A-2. He indicates which map he believes would work for him and the other owners Mr. Ewert indicates on the map where the Hayes property is and states that it currently holds the edge of the current M-1 zone and next door is the water company. Mr. Ewert states that he spoke to him in the last meeting and he seems to be okay with A-2, he has some manufacturing uses on the property at this point and he believes he can prove has been there since before zoning happened. If this is the case it would be nonconforming grandfathered right to continue with those uses. He adds that staff can work with them to get a certificate of noncompliance recorded with the property to avoid any hassle with regards to the M-1 uses. Mr. Price states that his property is currently M-1 in the back and A-2 in the front, he is nonconforming regardless. He adds that Mr. Davis has indicated that there is more opportunity in the M-1 zone, but he would prefer to his whole property to be changed to M-1, but he doesn't care either way. Mr. Ewert and Mr. Price indicate that as Mr. Davis is not present at the meeting, they don't want to speak for him.

Mr. Price states that the area is currently agricultural, but it is changing to residential. He states that the reality of it is that manufacturing is not looking to move into a residential area. They are more likely to move in farther west. He feels that over time it will be all A-1 zone.

Chair Hancock asks if there are any other questions from the Planning Commission. There are none.

Chair Hancock opens the public hearing.

Flora Hayes 7708 W 900 S states that she agrees with Mr. Price. She and Mr. Hayes would like to remain M-1. She would like to see it changed M-1 all the way to the road. She adds that understands the concern regarding the housing around the manufacturing zone. The reality is that it is already there. She states that they have done work for them already, the homeowners across the street from them and on both sides. She states that they are already surrounded by housing, and there have been no complaints and if there was she would feel comfortable dealing with those complaints.

Chair Hancock asks if there are any further comments. There are none.

**MOTION:** Commissioner Borklund moves to close the public hearing. Commissioner Edwards seconds. Motion carries (4-0)

Chair Hancock asks Mr. Ewert for some further guidance on the item. Mr. Ewert states that looking at the General Plan the first action on the agenda, variant one would be the variant they are looking for. The staff report has the three staff recommendations. He has added some findings accommodate for changing conditions to exist in the area. He adds that this has better public support than other options and isn't detrimental to the health, safety, and welfare of the community. He adds that they ought to make the motion as a recommendation. The second step they should take is to make a motion on the rezone, and the best option is alternative three variant four.

Chair Hancock asks if in the process of this item they would have to change the General Plan. What is required from the Planning Commission? Mr. Ewert states that this is correct, and they will need to offer a recommendation to the County Commission. The County Commission is the only authority allowed to change the General Plan, it's not a law, it is a guiding document. It is created by legislative intent. At this meeting, all they need to do is make a recommendation to the County Commission. Mr. Ewert states that he will then pass that recommendation along to the County Commission. The County Commission can then choose to approve or deny the proposal. It will likely be in the form of a resolution for the General Plan. When it gets to the rezone it will get to the County Commission in the same way, the motion will be made in the form of an ordinance, and they will make a decision on an actual law to change the ordinance. Mr. Ewert asks if this clarifies the process for the Planning Commission. They agree that it does. Mr. Ewert asks if they have any other questions for him. There are none.

**MOTION:** Commissioner Borklund makes a motion on item #3.2 3.2 ZTA 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-02) and proposed rezone (ZMA 2018-02) for land at approximately 650 South, 7900 West. The general plan amendment would change area designated as future “industrial” to future “residential/agricultural.” The rezone would change area currently zone M-1 to A-2. a. Decision regarding File #GP 2018-02, a request to amend the West Central Weber County General Plan. b. Decision regarding File #ZMA 2018-02, a request to amend the County’s zoning map, rezoning areas designated as the M-1 zone to the A-2 zone. She moves to recommend Variant #1 to the County Commission based on the findings on the following finding 1. Public opinion regarding the land uses of the area has changed since the 2003 adoption of the West Central Weber County General Plan, and residential and agricultural are deemed more desirable land uses in the subject area. 2. Current development trends will make property more useful as residential than industrial. 3. The changes are not harmful to the health, safety, or general of the public. Chair Hancock asks if there is a second. There is not. Motion is denied and they go back to discussion.

Chair Hancock asks if there are further questions from the Planning Commission. Commissioner Edwards states that as they look from the previous meeting to this meeting, the need for a General Plan update becomes more clear. It seems that there are more requests for an update on the current General Plan. It is 15 years old, it was created as a guide to follow and move. It is created from the public input and was meant to help in instances such as these. He states that it is hard for him to deviate from what the General Plan says it’s the guiding document that was set forth. He states that he hopes that the updating of the General Plan becomes a priority, with the rate of growth that is being seen in the area. Times are changing from what it was fifteen years ago. Commissioner Borklund states that the General Plan can be updated it doesn’t need to be totally changed to meet the needs. At this point, the Plan hasn’t been updated since 2003, and it does seem appropriate, and the uses have changed manufacturing isn’t likely to happen there. Commissioner Whaley states that this does make a good argument for the updating of the General Plan. Chair Hancock states that they are all in agreement that the update needs to happen. Commissioner Borklund states that if it’s not going to happen soon, then the property owners are stuck without having the ability to develop their property.

Chair Hancock reopens the public hearing.

Dan Baugh 4441 S 4300 W states that the Planning Commission needs to look at this item from a broader perspective. This is a document that is supposed to be changed and that is what the Planning Commissions job is to take a look and see what’s going on. The Master Plan can’t be changed every five or ten years. That is the Planning Commissions job is, if it seems they are headed in a different direction from the values of what of the property owners, it needs to be addressed. The Planning Commission is given the charge to make those changes, so there is no need to spend 100’s of thousands of dollars of studying to figure out what is going on. He states that this is not his application but it needs to be reconsidered. He believes that this is exactly what needs to happen. It will help everybody in the area. It’s not feasible to wait five or ten years to wait for a new Master Plan so that he can develop his property or do whatever wants to do with his property.

Scott Jenkins 1950 N 4425 W states he is a County Commissioner and, that it is the Planning Commission’s job to manage the Master Plan and give the County Commission suggestions, they are not outside their purview at this point. He states that they are correct it does need to be looked at, and he believes that in the next few years it will be looked at. He states that they should not feel the need to wait on that, at this point it is the Planning Commissions job to consider this and it is up to them. They are meant to manage the proposal and get the suggestions to the County Commission. There is no need to hold back and wait for a new General Plan. John Price 400 S 6700 W states that he appreciates the Commissioners comments. He notes that he feels that there was a contradictive comment made, when it was stated that they feel it goes against the General Plan.

Knowing that the General Plan needs to be updated, he would hope that the Planning Commission can look at it and see that changes need to be made, and feel confident. That is why they are on this committee to help make those changes. Fifteen years ago he would not have wanted these changes, but a lot has happened since then, and it has become necessary to make these changes. It is more realistic at this point and he doesn't feel that he is asking for anything out of the ordinary. He is not asking for commercial zoning. He is merely asking for the zoning that it is currently being used for. He adds that he is not sure when the County Commission is going to be able to put a budget together to update the General Plan and he hopes that the taxes don't get raised anymore to get that done. Commissioner Borklund states that as much as the County Commission might want to make those changes, if the money is not there, there money is not there and it can't be done. Mr. Price states that he hopes the Planning Commission won't wait that long and he is hopeful they can come to a decision at this meeting. He states that he has been at this for four months and he would like to see a motion on it one way or the other so that he can move forward.

Jill Hipwell 585 S 3600 W states that she feels conflicted here because the General Plan states that there should be more agriculture. She states that she doesn't have an issue with this project, but the item being discussed later is a bigger issue. She states that she understands that the General Plan needs an update, and there is the need to wait for funding. It does scare her. If they are going to make those changes to approve this is it going to open to other developers?

Valerie Hansen 4540 W 1150 S states she came for item 3.3, but as the current item has come up, it needs to be looked at more closely. She states that her comment will be regarding more the next item on the agenda, but it also addresses what has been brought up. There are a lot of proposals and changes that have come up regarding the General Plan or Master Plan, however, its referred to. It is the Planning Commissions job to protect the property owners in every aspect and to put their wants and needs and the benefit of the community in front of everything. Why do piecemeal, in the long run, is costlier to keep putting in little things, and taking the time and the effort through the years? Is it better to do it now, so that there is something in place as these types of items come forward? It would benefit the developers and homeowners. She states regarding the letter she has provided for the Planning Commission item number six of her question might be a good question regarding this item. She believes that before any commercial development is considered the following items need to be addressed. Traffic flow and Roads, policing and safety issues, infrastructure, green space, pollution, and structure height. Commissioner Borklund asks if this is pertaining to the current issue being discussed. Ms. Hansen states that concerning the manufacturing being considered, yes. She states that these things that need to be considered before making zoning changes and making approvals. There needs to be something in place so that when people come forward with proposals, they know what the guidelines are and they know that the sewer and roads can handle those changes. She states that there might not money in the budget right now. She asks what is the priority? When the budget is reviewed? Director Grover states that it will start at the beginning of the year. They are starting the budget proposals now. Ms. Hansen states that she believes this is something that needs to be addressed before proposals and zoning are put together.

Director Grover states that typically the General Plans are amended every fifteen or so years. Generally, it can't wait and that is why there are General Plan amendments during the process. Looking at what makes good planning sense the County Commission and Planning Commission it is in their purview to look at plan amendments during that time period. If things have changed, it is appropriate to look at plan amendments during that process. It will be made as a recommendation to the County Commission, that they will take under advisement. Plan amendments in communities throughout the state of Utah is a very common practice. Mr. Ewert looked at the items such as spot zones, boundary edges, zoning that reflects the current or future, these are things are looked at as part of plan amendments and rezones. Utilities and things of nature are looked at a bit at this point, but they are looked at in depth at the time of a subdivision is proposed. That is the time when

these items are fine-tuned. Typically, developers don't have the money to do it all at once. They want to make sure that the zoning will allow for that if the zoning does allow for it they start exploring those issues.

John Price 400 S 6700 W states he is not asking to change the use of the land. He doesn't believe the last comment was relevant to this case. He understands why those comments are relevant to the next case, but this proposal has no developments and no subdivision going up. The land is currently being farmed and it will likely be continued to be farmed. He is asking for agricultural zoning. He is not asking for anything out of the ordinary. He's not asking to build a hundred homes. At this time there is no homes being added, or businesses. If anything it is protecting the homes that already there from future manufacturing uses or businesses. There seems to be some confusion.

Commissioner Whaley states that he has some questions for Mr. Price. He asks if everything is going okay for him. Mr. Price responds that the biggest issue that came up is that when the application was submitted, it was submitted for certain areas. The County thought that there would be enough support to change all of the M-1 ground. At that point, nobody realized that the Hayes property was M-1 and they do need the M-1 zoning. The community needs them because they are a massive asset. The Hayes need the M-1 zone, so it was decided that some changes were needed to accommodate the Hayes property. The Planning Commissioners asked for more maps. He adds that because there are so many properties it can be confusing. Mr. Ewert has provided all the different maps to show what would make the most sense. There was some concern regarding the Higgs property, however, there is no longer any need for that change. It can stay M-1. It will work really well with the General Plan and make it easier to avoid spots. What has been presented is exactly what has been requested from the Planning Commission in the last meeting. Commissioner Whaley asks what harm would arise if the changes are made now? Mr. Price states that in the short term, nothing. He states that he would like to have the option to sell his land if the need arises. Farming is not getting easier. He is not sure if he wants to wait four years. There are times when it's hard to make the payments. He states that his land is worthless as M-1 ground. No manufacturer going to buy in a residential area with no frontage on it. It is agricultural and residential future use. The most realistic change is to make it A-2. Commissioner Whaley asks if he understood correctly that the harm that would arise is he would not be able to get full use of his property at the most beneficial thing to him, however, it won't restrict anyone who is interested in building from buying any other property. Mr. Price's property is not the only one that they can purchase. If this change is made Mr. Price's property will be more available to be developed. Commissioner Whaley asks how many others in the area will be held back by not making this change. Mr. Price states that there are others and they are all on the application, but on the flip side no one is affected negatively as long as the Hayes are protected. The community is in support of that change. He adds that he wishes he could have gotten more people to come because everyone on 7900 was in support as well. Commissioner Whaley asks in the grand scheme of things, this impacts only a small impact of the population of the County. Mr. Price states that in the long run it will impact the community, but the change will not have any negative impact on the community. He states that he believes that it is a change that makes sense. Commissioner Edwards asks if Mr. Price has plans to develop his property 7900 W. Mr. Price states that at this point he does not. There is a 15-acre piece that he might look at eventually. The 15 acres is not irrigated and not farmable ground. He states that it is still up in the air. Commissioner Borklund asks if it is the piece that is adjacent to the M-3. Mr. Price states that it's not, that was the piece that was approved last month.

Tammy Baugh 4441 S 4300 states that she has never seen a proposal were the community was all in agreement and there was still a lot of heartache. The Hayes property is being protected, the agriculture community is being protected, residential is being protected. She states that it benefits everybody there. She states that the Planning Commission is there to help facilitate the changes. She adds that if they had to follow the Master Plan as it is, there would be no need for a Planning Commission. She feels that this change is a no-brainer. Everybody seems to be in agreement, why not just fix it. Commissioner Whaley states that the County code specifies very little process regarding the modification to the General Plan Code, County code 102-2-4."

Powers and duties of the Planning Commission specify that the Planning Commissions shall review the General Plans and make recommendations to the County Commissions as deemed necessary to keep the General Plan current with the changing condition, trends and the Planning needs of the County.” Commissioner Whaley states that this is the code that they are operating under. As he understands it they need to review the General Plan as deemed necessary. There has been mention of spot zoning and this is one of the main issues to arise. He states that it is his understanding that Mr. Price is the only one being impacted by this. Mrs. Baugh states that this is the reason she brought it up because it does impact a lot of landowners. Commissioner Borklund states that if the General Plan is kept as it currently is, it would invite more manufacturing uses, which doesn’t seem to be the desire of the community. Commissioner Edwards asks if the community wants 1-acre lots out there. They seem to be fine with it going out of M-1 to A-2 but then it opens it up to developers building 1-acre lots. Chair Hancock states that that is not part of the proposal right now, and it’s not part of the decision they need to make. Commissioner Borklund states that it doesn’t mean that the land is going to be developed into 1-acre lots. It is merely changing the zone to the uses that currently exist in the area. Commissioner Whaley states that he doesn’t see the necessity of the change, that is the point he is trying to make. If every landowner in the County goes in and states that they have seen the changes made for Mr. Price, and ask for their own changes to the zoning then it becomes a continuous discussion. He adds that it doesn’t seem necessary at this point. He understands that Mr. Price and the others on the application feel that this change would improve their ability to take care of their property if it impacted something like 20% of the County he would feel more inclined to say it is something that is necessary. He asks if this change would impact more than 1% of the County’s population. Mrs. Baugh states that it sets a precedent. Commissioner Whaley states that he agrees and he feels that is not something he wants to do. Commissioner Borklund states that when he read the statement regarding the code it states “as changing, conditions and trend occur” She notes that things have changed since the Plan was adopted it makes sense to adjust the uses. Chair Hancock adds there have been significant changes. He asks Director Grover it seems that they are going to be split on the issue, should the item be tabled until more of the Planning Commissioners are present. Director Grover states that the petitioner is due to a decision in a timely manner. It has been postponed more than once. He states that they should try to come to a decision so that it can be forwarded to the County Commission, whether it’s a denial or approval. He adds that it is only fair to the applicant. Chair Hancock states that he is not sure if a decision can be reached, the Planning Commissioners seem to be split on the decision.

John Price 400 S 6700 W states that he thinks he might be able to clarify somethings. He feels that this impact a lot of landowners, not just one. It would improve the Hayes situation because currently, they are nonconforming with the A-1. He notes that regarding the current General Plan, he is not sure if a lot of thought went into that particular section of the Plan. He adds that Commissioner Edwards also stated that the General Plan needs updating. Multiple landowners along 12<sup>th</sup> and 7900 are affected by this request. This would protect all the homes along 7900 from manufacturing. It protects the Hayes property. Everyone along 7900 is in favor and would benefit from this change. Commissioner Whaley states that the change here is a change to zoning and it would impact the whole County it is a legislative issue. Commissioner Borklund states that it would not impact people in Uintah or people in the Upper Valley. Mr. Price states that in reality, it won’t have a positive or negative impact on the County as a whole if this is concern regarding this proposal. He states that he knows that people out there don’t want a lot of homes built, and he doesn’t want a lot of houses built, but for some people, it’s the only way they can get the money to retire. It is what his grandfather did and it was his right as the property owner.

Commissioner Borklund asks Chair Hancock if perhaps they should close the public hearing.

Director Grover states that one thing they ought to take into consideration whether the public hearing is closed or not is to ask the applicant if he would like them to come to some agreement, or wait for more presence from the Planning Commission. In all fairness to the applicant, he should have a decision in a timely manner.

Chair Hancock asks John Price the applicant to address the Planning Commission regarding whether he would like to wait for a decision or if they should try to come to a decision at this point.

John Price 400 S 6700 W states that he respects what the Planning Commission does, and he believes their jobs are very important. He states that they have been over the item several times. He asks if they wait another month what information can he provide for them to be able to make a decision either way.

Commissioner Borklund states that it's not about the information that was brought forth if they wait another month they are likely to have more Planning Commissioners. There might not be an even number of Planning Commissioners, it might bring about a majority. Mr. Price states that he would like them to at least make a motion and if comes out a draw, it should be postponed until the next meeting.

**MOTION:** Commissioner Edwards motion to close the public hearing. Commissioner Whaley seconds. Motion carries (4-0)

Commissioner Edwards states that he has a comment. He looked at the maps and the ones that are most favorable there seems to be a tradeoff. There is more M-1 in frontage. They are taking an area that used to be an A-2 zone and putting it into an M-1. Commissioner Borklund states that what they are doing is taking M-1 away. Mr. Ewert clarifies on the map, that there is a portion where the A-1 would become M-1. There is a portion where M-1 would become A-2. Commissioner Edwards states that at the last meeting there were several that were for this change and several that were against it. He notes that if they stick with the General Plan not everyone will be happy but it's what was chosen.

**MOTION:** Commissioner Borklund restates the same motion as stated previously. She moves to recommend item #3.2 ZTA 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-02) and proposed rezone (ZMA 2018-02) for land at approximately 650 South, 7900 West. The general plan amendment would change area designated as future "industrial" to future "residential/agricultural." The rezone would change area currently zone M-1 to A-2. a. Decision regarding File #GP 2018-02, a request to amend the West Central Weber County General Plan. b. Decision regarding File #ZMA 2018-02, a request to amend the County's zoning map, rezoning areas designated as the M-1 zone to the A-2 zone. She moves to recommend Variant #1 to the County Commission based on the findings on the following finding 1. Public opinion regarding the land uses of the area has changed since the 2003 adoption of the West Central Weber County General Plan, and residential and agricultural are deemed more desirable land uses in the subject area. 2. Current development trends will make property more useful as residential than industrial. 3. The changes are not harmful to the health, safety, or general of the public. Chair Hancock asks if there is a second. There is none. Chair Hancock states that they are at an impasse.

Chair Hancock asks there is a motion opposing the item. There is none.

**MOTION:** Commissioner Borklund moves to table the item # 3.2 ZTA 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-02) and proposed rezone (ZMA 2018-02) for land at approximately 650 South, 7900 West. The general plan amendment would change area designated as future "industrial" to future "residential/agricultural." The rezone would change area currently zone M-1 to A-2. John Price a. Decision regarding File #GP 2018-02, a request to amend the West Central Weber County General Plan. b. Decision regarding File #ZMA 2018-02, a request to amend the County's zoning map, rezoning areas designated as the M-1 zone to the A-2 zone. Commissioner Whaley seconds. Motion carries (4-0)

**3.3 GP 2018-02: Discussion regarding a proposed general plan amendment (GP 2018-03) and proposed rezone (ZMA 2018-03) for land at approximately 4441 South 4300 West. The general plan amendment would change area designated as future “residential/agricultural” to future “community village center.” The rezone would change area currently zone A-1 to either the C-1 or C-2 zone. Presenter: Charlie Ewert. Applicant: Dan and Tami Baugh c. Decision regarding File #GP 2018-03, a request to amend the West Central Weber County General Plan. d. Decision regarding File #ZMA 2018-03, a request to amend the County’s zoning map, rezoning areas designated as the A-1 zone to the C-1 or C-2 zone.**

Chair Hancock notes that the address was listed wrong on the agenda. The agenda should read 4700 W 1150 S.

He states that there are four different options. If the Planning Commission chooses any of those four options the General Plan would need to change in order to support that. Mr. Ewert gives an overview of the proposal as listed in the staff report. He apologizes for the wrong address on the agenda.

Commissioner Whaley asks if the proposed changes are being brought about by this application. Mr. Ewert states that not all the changes are supported by the applicant. They are looking at the whole community and trying to find something that will work for the whole community and also helping the applicant get what they are hoping for. Commissioner Whaley asks for clarifications regarding page 2-15 in the proposed amendment of the General Plan. The last sentence of the first paragraph under Commercial Land Uses. It states “Residential uses should not be allowed without a commercial village element being the primary use. And only if the County creates a transferable development rights program as specified in the “Conservation Easements” section of p. 5-4, or “Transfer of Development Right (TDR)” section of 5-7 of this general plan.” Mr. Ewert states that there is another section in the current General Plan on page 5-4, it talks about implementing transferable development rights programs. Something like this could create a vibrant village or small footprint villages that transfer in development rights off of the farmland. If the farmer wants to keep farming and wants to sell development rights to someone. Someone who is in a village area could go to the farmers buy them and transfer them to their properties. Commissioner Whaley states that he believes he understands; he was referring to the dwelling units being transferred into commercial uses. Commissioner Whaley asks if the applicant has discussed the transferable rights with Planning Staff. Mr. Ewert states that they have discussed this with the applicant and the possibility to have residential onsite. Commissioner Whaley states that he wasn’t necessarily talking about residential. The paragraph referring to Policy: Village Development. There are 30 acres “equal consideration should be given to all four corners” and that would be 7 ½ acres per corner. If this is approved more acres would be allowed for a park or similar community gatherings. That would add 15% it goes up to 9 acres. If all of the acreage into one corner, then the other two corners may have some transferrable rights to get the 9 acres to the other corner. Mr. Ewert states that would not be the kind of transferable rights that it was referring to, but it is a flexible option to allow for commercial polygon on the map to morph into different areas. If there is one property owner saying there are public gathering areas, parks, and trails and they are getting the benefits of the extra space being allocated to them, it is a possibility. Commissioner Whaley states that the point he was trying to make was if they were to move all the commercial area into the applicant’s property, would the other two owners on the that are not already commercial on the West, North and South side of 12<sup>th</sup> St., could they assert some development rights to their 7 and ½ acres each and if they wanted to divide and transfer it to the other owners, could they offer them an incentive to buy those rights? Mr. Ewert states that it is not the type of transferable rights program referred to in the staff report, but it is a flexible option. Dividing the four corners equally with the benefit to whoever offers 15 to 20%, if that doesn’t work they can go from a straight number, its flexible. The way it’s written is meant to be an incentive not just to applicants, but to others in the area to create public gatherings. Commissioner Whaley states that he was trying to understand the motivation. Mr. Ewert states that it is just staff recommendation at this point. They are trying to help facilitate the creation of a neighborhood village

with community gathering spaces, there is some flexibility it can be whatever the Planning and County Commission decide. He adds that the application did stimulate the conversation and proposal. It will help the applicant get what he wants while looking at the neighborhood as a whole. It would help the neighbors hopefully get what they want.

Commissioner Borklund states that regarding figure 2. C-1 is divided from the rest of the map. She asks is there a reason why the line is slanted and not straight across. Mr. Ewert explains that when he drew it he was trying to get 15 acres, and it doesn't have to be placed that way. He just wanted to show 15 acres and it's not perfect. When it comes down to how many acres should be in the rezone. If both the Commissions and applicant favor this staff can work them and with the surveyors find a configuration that would work, there.

Chair Hancock asks if there are any more questions. There are none.

Tammy Baugh 4441 S 4300 states that she was in her previous statement she was not trying to imply that the Planning Commission is brainless; she just has never seen all landowners agree to one thing. She states that it was an awesome thing to see because it rarely happens.

She states that their petition is a request to rezone for their 21.9 acres, they would like to sell it as a whole piece. All one zoned property. Otherwise, they will need to bring the item back to the Planning Commission. There is no good residential use. They would like to have all be C-2. There are people interested in developing it. If it is zoned C-2, they would be able to build a convenience store, a gas station, a drive-thru, a bank or a grocery store. She notes that without a C-2 they can't build these things, the developer won't talk to them until it gets rezoned. They will sell, with these conditions, because they don't want to see something like a car lot there. Commissioner Borklund asks if they have read the development agreement that staff has proposed. Mrs. Baugh states that they have and she does not like the 15-20% recommendation for a park because it is a lot of their land and she doesn't feel that that is fair. She states that the uses that were proposed were fair.

Chair Hancock asks what her feelings were regarding option one where the 15 acres may not have to have a change to the General Plan. Is it something that she feels is a possibility. Mrs. Baugh states that this is not something she wants to do, because cuts off part of the property and they won't be allowed to use it, there is no good use for it. It's not enough property to farm and it's not ideal to farm next to a commercial zone, and the sewer comes across in that piece. She feels that it would be silly to do it that way. Commissioner Edwards states that he feels that since it is in A-1 zone currently, it is its intended use and it can be used as pasture. He feels comfortable with alternative one. He states that he is not sure about anything else as far as changing the General Plan. He doesn't feel comfortable changing the General Plan. He would be in favor of option one and not anything else. Mrs. Baugh states that both property owners were represented at the last meeting on the Westside neither at this point want to develop. The owners of the Southwest corner were there last time. They are in favor of the change. Commissioner Edwards states that he feels the need to clarify. Regarding the last application, the M-1 zone was probably established at the request of the landowners. As land ownership changes and people pass away feelings change, and currently they might not want it but someday down the road, they might want it. That is why right now he feels comfortable moving forward with putting the 15 acres on the corner. Hopefully, there will be a General Plan update and if the community feels it's due to see more commercial in that area, it will come up at that time.

Commissioner Whaley asks if it is zoned A-1 currently, and what it is been utilized for. Is it currently being used? Mrs. Baugh states that it is A-1 and it's been utilized as pasture, but it is not currently being used.

Commissioner Borklund states that the bottom line is they want to sell it. They want to get a better use out of it. Mrs. Baugh states that they would really like to see it developed. Whether they develop it themselves or they sell it to developers. Commissioner Whaley asks if they could sell it as A-1, is there any reason they can't sell it as A-1. Mrs. Baugh states that nobody wants to buy it as A-1, they have owned it for 18 years. They have had it on the market multiple times. Commissioner Whaley asks if they would consider discussing with the other owners on the other two corners to make it 7 and ½ acres on each corner, transfer of development right



as discussed with Mr. Ewert previously? Possibly purchasing that from the other owners. Mrs. Baugh states that they don't want to do that. Commissioner Whaley states that he understands this, but if they have the right to, does she feel there would be a value to that option? Mrs. Baugh states that she does not see the value in this. Commissioner Whaley states that as Commissioners their jobs are to be as equitable as possible. Commissioner Borklund states that it doesn't have to be done as transfer development right. They could still increase the amount for all four corners but let more be on the east side, and still allow them to have the development right on all four corners. Commissioner Whaley notes that the point he is trying to make is that if it's going to be a commercial property it will increase its value. He asks if it could be sold for \$1000 dollars an acre as an A-1 property. Mrs. Baugh feels it could be sold for a lot more than that as A-1. If homes were allowed there she could sell it for \$100,000 an acre, but homes aren't allowed there. Commissioner Whaley notes that the point he is trying to make is that there is value in the land being zoned commercial otherwise she wouldn't be present. That value would apply equally to all the landowners on all four corners. Mrs. Baugh feels it does but they are not currently interested in that. Commissioner Whaley asks if they understand that they have a commercial value of 7 ½ acres in their lots. Mrs. Baugh states that they know they can apply for it. Commissioner Whaley states that for him to make a determination he needs to see that it is equitable. He states that he is trying to take into account what was noted, "Equal consideration should be given to all four corners of the intersection". He indicated that this is what came to mind when Mr. Ewert was referring to the transfer development rights. He states that he is less in favor of this than the previous item on the agenda, because it will impact a lot of people, it is a busy intersection. Mrs. Baugh states that she wants to affect a lot of people because her children went to Fremont High they had to travel a long distance to get lunch. She wants to be able to go to a football game and pick up takeout food.

Chair Hancock opens the public hearing.

Debbie Stewart 1280 S 3500 W states that one of the things that was mentioned was "Does the community want it?" She states that a pole can be taken and they will find that the community does not want it and it is not a very safe intersection. It is the last place you would want a park; it is too close to the railroad tracks. The General Plan said that by 2020 they would need 7 to 14 acres. There is no need for 30 on one corner, 22 acres on the other corner, 3 and ½ on the Country Corner. She adds that at this point there is another set of owner that don't want to develop, they might in the want to in the future. This could create a 100-acre business district out there. There are not enough people out there to support it. The applicant does have the right to do what they want with their land, but they bought A-1 land knowing it was A-1 land. They should not be able to change it for their own purposes. It is spot zoning and the residents in that area don't want that.

Jill Hipwell 585 S 3600 W states that this will affect her community. What she might want on that corner maybe other people don't. If the General Plan were to be updated there might be some better options. There is a lot of people out there that don't want something big in that area, but they might be okay with something smaller. Until the General Plan is updated there is no knowing.

Kerry Gibson 5454 W 1150 S states that he appreciates the reference from Mr. Ewert that states "When the market demands and the community supports." To him this all comes down to the General Plan. The General Plan is the only avenue which community members have to voice their opinion. The current General Plan is outdated. It needs to be adjusted. It is very concerning to see a major change, without having a thorough discussion. There are a lot of people who want to have input, in the level of commercial development in the community. It is very clear that in the past it wasn't an important part of what they wanted the community to look like. This may have changed slightly. He notes that his concern is that the community has not had the opportunity to provide their input. They need to be careful of anything that would deviate too much from the General Plan. There is also some concern regarding the wrong address listed. There is no responsibility to increase entitlements to particular property owners. It sets a difficult precedent. He states he owns some

property that he would like see zoned differently than it is right now. He has not asked for this because it is not supported by the General Plan. If the community came together and agreed that they want it in the zoning ordinance, he would then feel comfortable coming in and asking for that change.

Matthew Wilson states that the Planning Commission might want to table this item until notice can be sent out with the correct address.

Dan Baugh 4441 S 4300 W states that the parcel that has been referred to multiple times. It is proposed commercial in the Master Plan for 50 years. It has been before the Commission multiple times. He adds that they just want an answer, that is all they are asking for.

Commissioner Whaley states that Kerry Gibson had a good point, with regard to the address being listed incorrectly. It might be a good idea to table it and get advice from Director Grover.

Dan Baugh states that notice went out last month. There are currently more people present with no notice at this meeting. There were people who were in favor of it. He reiterates that they just want an answer either way. Whether the address is correct or not, isn't an issue.

Director Grover asks if the notices sent out for the last meeting notices were sent out with the correct address. Mr. Ewert states that the actual address was not specified, what was specified was 12<sup>th</sup> street 4700. The notice has been taken care of, but the agenda has the wrong address, the staff report has the legal address. Commissioner Borklund states that on the legal notice it is not specified what zone it is being changed to. She states that she is concerned about this because it is a legal notice required by state law. Commissioner Whaley asks if there has been any more notice sent out since the July 10<sup>th's</sup> meeting notices were sent out. Mr. Ewert states that they have not sent anymore notices out. Commissioner Edwards states that he wants to clarify if the public hearing was held, at the last meeting for this item, at this current meeting, public comment was accepted for the decision tonight. Director Grover states that the public hearing was closed at the last meeting. He just wants to make sure everything was noticed correctly for the original public hearing. Mr. Ewert states that the only mistake was on the agenda. He adds that he can look further into Commissioner Borklund's concerns. It does talk about rezoning to a commercial zone. The challenge was which commercial zone. Commissioner Borklund states that it doesn't say to a commercial zone it only says to a zone. Mr. Wilson states that it does satisfy the notice requirement, for state law. Commissioner Edwards states that he is ready to make a motion.

Letter from Valerie Hansen regarding this item 3.3

Name: Valerie Hansen  
Address: 4540 west 1150 South  
Ogden UT 84404

Regarding Agenda Item #3:3 proposed zoning change at approximately 4441 South 4300 West.

As Weber County looks to allow commercial zoning, I believe that there are many decisions yet to be made before going forth in the process. I would like to note, that as a homeowner and lifelong resident of West Weber, that before we built our home we consulted the County Master Plan and this ground was not slated for the possibility of commercial use. There was a possibility of an emergency Services building at the intersection of 12<sup>th</sup> street and 4700 West. Having stated that, and after looking at the information available online, I would like to pose the following questions:

- 1- What does the Western Weber County Master Plan contain? What has changed that makes the land "useless" for agriculture as was stated in the July meeting?
- 2- Have the proper procedures been followed according to the written zoning ordinances and proposed changes to the Master Plan?
- 3- What is the current zoning ordinance for this property. It was changed to make the cell tower possible a few years ago. Is there a need to change it once again?
- 3- What benefit to the community would this development bring? There have been numerous businesses on the same site as Country Corner but they have not been able to "make it" due to different factors, but primarily, lack of patrons. What would the long-term benefit and negative impact be for the community?
- 4- If the original plan is accepted, and the land changes hands, will that open the land up for any development? There is a huge difference between a daycare and a fabrication or asphalt plant.
- 5- For homeowners in a 1-mile radius, what is the impact and safeguards in place to protect them and their property values?
- 6- Before any commercial development is considered I feel that the following things need to be addressed and policies in place. Does West Weber and the surrounding communities have the capability and infrastructure to support a large scale commercial development?
  - a- Traffic flow and roads, access to the property? There have been multiple wrecks along that stretch of road, will there be any changes to the design to accommodate increased traffic?
  - b- Policing and safety issues. Will the businesses pay for active, around the clock, security and/or policing?
  - c- Infrastructure, water, waste disposal, sewer/septic, etc.
  - d- Green space. Aesthetics of the property. Maintenance for the enhancement of our community and a guarantee that it will be continuously kept neat and pleasing regardless of occupancy of buildings.
  - e- Pollution, to include: noise, light, and air. We live in a migratory route and minimal lighting disrupts the routes. Will there be a specific stipulation for lights out during the dark hours of night? What of the homeowners that will be affected? All lighting and signage should be kept to minimum and businesses should have to extinguish or have night timers in place to adjust intensity. (Yes, they are expensive to install. West Weber Elementary as an example. It can be seen over a mile away at night.)
  - f- Structure height. Will it be limited so as not to obscure the view? ALL future signs and buildings, should be kept to the same standards as Country Corner because it blends well with the surrounding buildings and landscapes.

MOTION: Commissioner Borklund moves to close the public hearing. Commissioner Edwards seconds. Motion carries (4-0)

Chair Hancock closes the public hearing.

MOTION: Commissioner Edwards moves to recommend alternative one, rezone to C-1 in accordance with General Plan and the 15 acres be zoned to C-1 as stated in the General Plan. This recommendation is based on the findings that it complies with the current General Plan. Commissioner Borklund seconds. Commissioner Whaley votes nay. Motion carries (3-4)

Commissioner Whaley states that his votes goes back to the point he was making earlier regarding the value of the property, being equally divided among all four corners. He sees this as having value to the other landowners as well. It would be useful to notify the applicant and the County regarding the transfer development rights. They should have the same amount of value in their property as the current property being discussed does.

**4. Public Comment for Items not on the Agenda-none**

**5. Remarks from Planning Commissioners**-Chair Hancock states that as a Planning Commission they do the best that they can. The results were not exactly what he personally had hoped but it is what the Planning Commission decided as a whole. He hopes that everybody respects their decision. He adds that he appreciates everyone taking the time to be present at the meeting.

**6. Planning Director Report**-Director Grover states that the rezone was addressed but the General Plan was not addressed in the in the motion. Commissioner Borklund states that it is because the motion did not require a plan amendment. Director Grover asks if that is what Commissioner Edwards was referring to when he stated the recommendation is consistent with the General Plan. Commissioner Edwards states that in the staff report it clearly stated that it did not require a change to the General Plan or the language. Director Grover states that it needs to be clear.

**MOTION:** Commissioner Edwards moves to not make any amendments to the General Plan, and to leave it as it is currently. Commissioner Borklund seconds. Motion carries (4-0)

Director Grover states that when applicants submit an application per states law there is a due process. The next meeting it is imperative that most of the Planning Commissioners be present. This will be the third meeting John Price's application has been tabled. It is not fair to the landowners on that application and it is a state requirement to make a recommendation either in favor or against it. He states that he encourages them to adjust their schedules.

**7. Remarks from Legal Counsel**-Chair Hancock states that they would like to welcome Matthew Wilson as their new legal counsel. Chair Hancock asks if he has any remarks. He does not.

**8. Adjourn to second Work Session**

**WS1: Discussion: Modification to the Flag lot access strip, private right-of-way, and access easement standards to amend the Lot/parcel standards by adding provisions regulating minimum yard setback requirements.** -postponed

**9. Adjourn-8:28pm**

Respectfully Submitted

*-Marta Borchert*

DRAFT



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a conditional use permit application for a residential facility for four handicapped persons.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	October 9, 2018
<b>Applicant:</b>	Shannon Wilkins
<b>File Number:</b>	CUP# 2018-10

### Property Information

<b>Approximate Address:</b>	5888 Skyline Drive, Uintah
<b>Project Area:</b>	0.46 acres
<b>Zoning:</b>	Residential Estates Zone (RE-15)
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	072130002
<b>Township, Range, Section:</b>	5N, 1W, Section 23

### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Residential
<b>East:</b>	Residential	<b>West:</b>	Residential

### Staff Information

<b>Report Presenter:</b>	Felix Lleverino flleverino@co.weber.ut.us 801-399-8767
<b>Report Reviewer:</b>	RB

## Applicable Ordinances

- Title 104, Chapter 3 Residential Estates Zone (RE-15)
- Title 108, Chapter 7, Section 13 Residential facility for persons with a disability, Facility Requirements

## Summary and Background

The applicant is requesting approval of a conditional use permit for a residential facility for four handicapped individuals. The existing home is located at 5888 S Skyline Drive. The proposed conditional use does not include any building expansion to the existing home. A description of the purposed residential facility has been included as exhibit B.

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 meets these standards. The following is the staff's evaluation of the request.

## Analysis

General Plan: The proposed use conforms to the 1970 South East Weber County Master Plan by providing opportunities for uses that are associated with the RE-15 Zone.

Zoning: The subject property is located within the Residential Estates (RE-15) Zone. The intent of the RE-15 zone can be further described in LUC §104-3-1 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.*

The proposed use is conditionally allowed in the RE-15 zone and has been reviewed as a "Residential facility for persons with a disability".

Conditional Use Review: The following are requirements that must be met prior to approval of the proposed conditional use:

- (a) The facility shall meet all county building, safety, and health codes applicable to similar dwellings.*
- (b) The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.*
- (c) Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).*
- (d) A minimum of two off-street parking spaces plus one off-street parking space for each staff member other than the resident manager or house parents shall be provided.*
- (e) The facility shall be capable of use as a residential facility for persons with a disability without structural or landscaping alterations that would change the structure's residential character.*
- (f) The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (U.C.A. 1953, § 57-21-1 et seq.) or its successor statutes.*
- (g) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for persons with a disability.*
- (h) No person who is violent shall be placed in a residential facility for persons with a disability.*
- (i) Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.*
- (j) The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for persons or, if the structure fails to comply with the county's building, safety, and health codes or the requirements of this section.*
- (k) These facilities must be licensed by the county's business licensing department with the original license and any renewals thereof subject to the inspection and prior approval of the county health and building departments.*
- (l) No residential facility for persons with a disability shall be made available to any individual whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.*

The applicant has provided a detailed description of how this proposal meets all the criteria for §108-7-13 (see exhibit D)

If the requirements listed above are met, then the conditional use standards will be met without additional mitigation measures. The conditional use standards are listed as follows:

*Standards relating to safety for persons and property; Standards relating to infrastructure, amenities, and services; Standards relating to the environment; Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.*

Review Agencies: Weber County Building Inspection would like to see a floor plan showing accessible routes and how they will be constructed. Weber County Fire and Engineering have approved this proposal. The Planning Division has suggested two conditions of approval of this proposal.

Noticing: The seven-day public noticing requirement has been met for this proposal by sending out postcards by mail to all residents within 500 feet of the property.

## Staff Recommendation

Staff recommends approval of file# CUP 2018-10, a conditional use permit for a residential facility for four handicapped persons located at 5888 S Skyline Drive, Ogden. This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

1. Each person occupying the home will be supervised on a 24-hour basis.
2. The landscaping and lawn care will be maintained in a manner consistent with the surrounding properties.

The decision is based on the following findings:

1. The proposed use conforms to the 1970 South East Weber County Master Plan.
2. The proposed use, if conditions are imposed, will not be detrimental to public health, safety, or welfare.
3. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
4. 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. Narrative
- C. State License
- D. Letter stating compliance with §108-7-13.

## Map 1



Try to make it for the 9<sup>th</sup> October Agenda Per Rich.

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 9/12/2018	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) N/A		Mailing Address of Property Owner(s) N/A	
Phone	Fax		
Email Address (required)		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) Damon Bocchino		Mailing Address of Authorized Person P.O. Box 234 Payson, UT 84651	
Phone 801.540.8372	Fax		
Email Address damonbocchino@yahoo.com		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name Community Options		Total Acreage 0.46	Current Zoning RE-15
Approximate Address 5888 Skyline Dr. S. Ogden, UT 84403		Land Serial Number(s) 072130002	
Proposed Use Residential for 4 disabled individuals			
Project Narrative Home will house up to 4 residents. See attached narrative.			

**Basis for Issuance of Conditional Use Permit**

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

N/A

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

yes, use will be the same as any residential home.

### Property Owner Affidavit

I (We), \_\_\_\_\_, depose 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.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(Notary)

### Authorized Representative Affidavit

I (We), Gabriel Rodriguez, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Rebecca Frandsen 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.

Rebecca Frandsen  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Dated this 12 day of September, 20 18, personally appeared before me Gabriel Rodriguez, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Rebecca Frandsen  
(Notary)





Community Options serves thousands of individuals with disabilities throughout 11 states- Arizona, Kentucky, Maryland, New Jersey, New Mexico, New York, Pennsylvania, South Carolina, Tennessee, Texas and Utah. We supply services for SLN in home services with other individuals in the Weber, Davis, and Salt Lake areas.

Home is a natural setting where we can connect face-to-face with friends and family. Community Options understands the fundamental importance of home as a physical and emotional support, especially for people with intellectual and developmental disabilities who want to live independently in community settings or with family members. Community Options develops housing and supportive services that are specialized to meet the needs of individuals with disabilities. We buy, build, renovate, and furnish the kind of homes that we want for our own families. We promote individualized ownership and empower those we serve to choose the setting that best meets their needs.

We provide community-based residences in safe and attractive neighborhoods and communities. Many of our residences are barrier-free ranch homes with two to four bedrooms. Individuals living in these homes receive 24/7 direct support care from highly trained staff who understand the individual's Habilitation or Support Plan.

Community Options does not believe people with disabilities should be placed in segregated settings such as state schools, supported living centers, developmental centers, institutions or nursing homes. Throughout our history we have participated in institutional closure and community residential placement for thousands of people across several states. Individuals with disabilities have advocated for their civil rights, which have been afforded to them through the Americans with Disabilities Act (ADA) of 1990. Further affirmation came in 1999 with the United States Supreme Court's Olmstead Decision, which confirmed that unjustified segregation is a violation of the ADA.


We seek to ensure that the individuals we serve through our housing services have person-centered supports that allow them to experience the highest degree of self-determination.

Our staff are trained to be person centered and supportive of the individual needs of those they work with. Community options staff will listen to clients' needs and can assist in the following possible ways: Develop socially appropriate behaviors and interpersonal skills; develop appropriate grooming, dress, and self-care habits; assist with all personal care needs; escort individuals to clinics physician's, recreational activities, trips, or other community outings; and many other ways contingent on the needs of the individual. We here at community options hire staff that always have the individual's needs at the forefront of their minds, and create a fun, caring atmosphere wherever they go.

Community Options is proud to announce the opening of a new day program located in West Valley City. Our founder and CEO created day program curriculum called, "Meaningful Day," which was published and is used in Day Programs throughout the nation. Meaningful Day is a combination of learning, experiencing and accessing a person's community in a variety of forms.

Community Options has a strong employment program with Employment Specialist who are nationally certified in Customized Employment and Discovery. We have a program that will teach pre-employment, job seeking and job retention skills. As well as career exploration.

Our program is intended to be small and primarily community based. Our staffed are training with a person-centered approach and like to let an individual have choices and decisions about their care.

<p>State of Utah Department of Human Services <b>Office of Licensing</b></p>  <p>Community Options 5888 Skyline Drive Ogden, Utah 84403</p> <p>IS HEREBY CERTIFIED TO PROVIDE</p> <p>Residential Home Services For Three Individuals</p> <p>SERVICES FOR PEOPLE WITH DISABILITIES THIS CERTIFICATE IS ISSUED FOR THE PERIOD</p> <p>August 16, 2018 through August 31, 2019</p> <p>THIS CERTIFICATE IS NOT TRANSFERABLE AND IS SUBJECT TO REVOCATION FOR CAUSE</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Sec. 108-7-13. - Residential facility for persons with a disability, Facility Requirements.**

- (a) The facility shall meet all county building, safety, and health codes applicable to similar dwellings.

*The residence has been inspected by the State of Utah Department of Licensing, as well as the Health Department and the Fire Department. Dwelling is subject to annual review from all of the above-mentioned agencies. The dwelling is subject to continuing review.*

- (b) The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

*Community Options has staff that will be at the residents 24 hours a day, as well as emergency and on call staff available.*

- (c) Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).

*The license from the Department of Human Services is included as exhibit C of the planning report.*

- (d) A minimum of two off-street parking spaces plus one off-street parking space for each staff member other than the resident manager or house parents shall be provided.

*The residence is equipped with a 3 car drive way and a 3 car garage. Community Options also provides a vehicle for the residence in the home.*

- (e) The facility shall be capable of use as a residential facility for persons with a disability without structural or landscaping alterations that would change the structure's residential character.

*No changes will be made to the existing structure or landscape.*

- (f) The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (U.C.A. 1953, § 57-21-1 et seq.) or its successor statutes.

*Community Options is compliant with the above-mentioned statutes.*

- (g) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for persons with a disability.

*Community Options does not treat alcoholism or drug abuse.*

- (h) No person who is violent shall be placed in a residential facility for persons with a disability.

*Residents do not have a history of violence.*

- (i) Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

*We are compliant.*



- (j) The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for persons or, if the structure fails to comply with the county's building, safety, and health codes or the requirements of this section.

*We are compliant. Home will only be used for a residential dwelling for four individuals.*

- (k) These facilities must be licensed by the county's business licensing department with the original license and any renewals thereof subject to the inspection and prior approval of the county health and building departments.

*We are compliant.*

- (l) No residential facility for persons with a disability shall be made available to any individual whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

*We are compliant.*



## Weber County Planning Division

### MEMORANDUM

To: Western Weber Planning Commission  
From: Steve Burton, Planning  
Date: October 2, 2018  
Subject: Revised Phasing Plan - Sunset Equestrian

Planning Commissioners,

Attached to this memo is a revised phasing plan that is being proposed by Doug Nosler, the applicant for the Sunset Equestrian Cluster Subdivision Phase 2. I have also attached the original phasing plan that was previously approved by the Planning Commission. The proposed changes to the phasing plan do not, in any way, change the locations, widths, or configuration of the lots within the subdivision. The proposed phasing plan changes are a result of the existing sewer line capacities.

Because the original phasing plan was approved by the Planning Commission, any proposed changes are required to be considered and approved by the planning commission. The Planning Division recommends approval of the proposed changes to the phasing plan.

Please feel free to contact me with any questions.

Best,

Steve Burton  
Planner III  
801-399-8766  
Weber County Planning Division





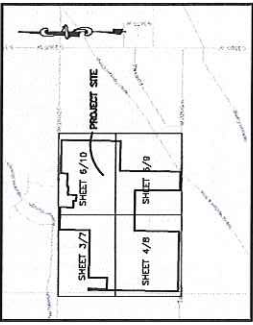
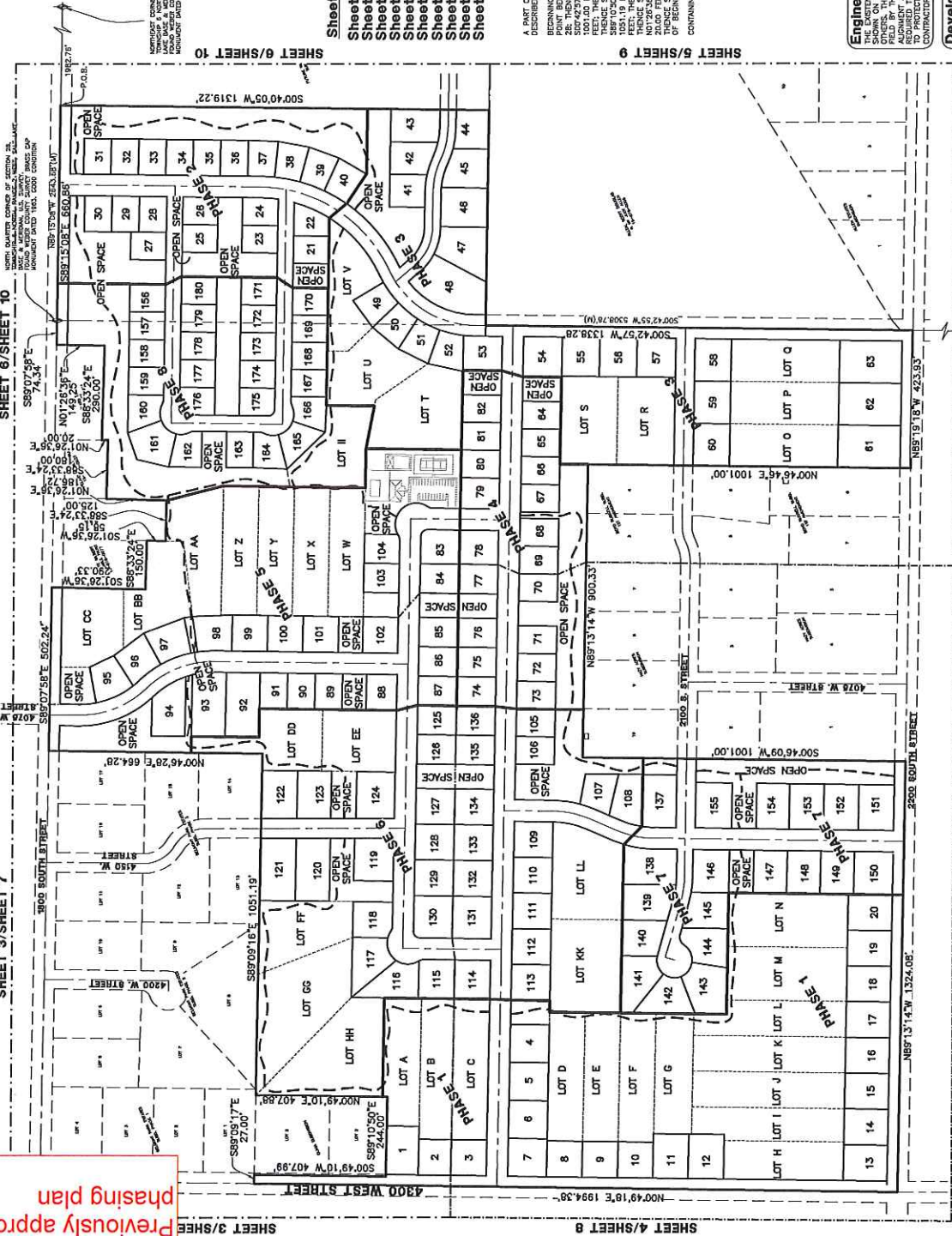
# SUNSET EQUESTRIAN Cluster Subdivision

WEBER COUNTY, UTAH

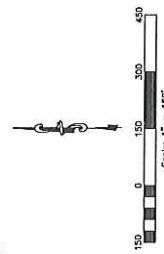
SHEET 3/SHEET 7

SHEET 6/SHEET 10

Previously approved  
Phasing plan



Vicinity Map  
NOT TO SCALE



SHEET 6/SHEET 10

SHEET 5/SHEET 9

SHEET 4/SHEET 8

SHEET 3/SHEET 7

SHEET 2/SHEET 6

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SHEET 0/SHEET 4

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SHEET -152/SHEET -148

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SHEET -235/SHEET -231



## Staff Report to the County Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for final approval of Sunset Equestrian Cluster Subdivision Phase 2, consisting of 16 building lots and 4 agriculture preservation parcels.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, October 09, 2018

**Owner:** Fieldbrook Taylor Partners, LLC

**Authorized Representative:** Doug Nosler

**File Number:** LVS091818

#### Property Information

**Approximate Address:** 4300 W 2200 S, Ogden, Ut 84401

**Project Area:** 15 acres

**Zoning:** A-1

**Existing Land Use:** Agricultural

**Proposed Land Use:** Residential

**Parcel ID:** 15-078-0158, 15-078-0110

**Township, Range, Section:** Township 6 North, Range 2 West, Section 28

#### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Residential
<b>East:</b>	Agricultural	<b>West:</b>	Agricultural

#### Staff Information

**Report Presenter:** Steve Burton  
sburton@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RK

### Applicable Ordinances

- Title 104, Zones, Chapter 5, Agricultural (A-1) Zone
- Title 106, Subdivisions
- Title 108, Standards, Chapter 3, Cluster Subdivisions

### Development History

- On June 13, 2017, the Western Weber Planning Commission reviewed and unanimously endorsed the Sketch Plan.
- On September 12, 2017, the Western Weber Planning Commission reviewed and recommended preliminary approval of the 8 phase cluster subdivision.
- An appeal was filed within 15 days of the Planning Commission's recommendation.
- On October 3, 2017, the applicant submitted a design revision of the preliminary plan for the 8 phase cluster subdivision.
- On November 14, 2017, after hearing the appeal during a County Commission meeting, the County Commission remanded the item back to the Western Weber Planning Commission for consideration of the revised preliminary plan. This decision is based on the finding that the Planning Commission erred in its interpretation and application of applicable ordinances, including lot size requirements stated in the Weber County Land Use Code.
- On December 12, 2017, the Western Weber Planning Commission considered the request for preliminary approval and recommended approval, based on the revised preliminary plan, which was determined to comply with the Weber County Land Use Code. During the same meeting, the Western Weber Planning Commission also recommended final approval of Phase 1.
- A second appeal was filed within 15 days of the Planning Commission's recommendation.
- On January 9, 2018, after hearing the appeal during a County Commission meeting, the County Commission denied the appeal and upheld the decision of the Planning Commission to grant final approval of Phase 1.

- On July 17, 2018, the County Commission gave final approval of Phase 1.
- On July 19, 2018, Phase 1 was recorded in the office of the Weber County Recorder.

## Background

The applicant is requesting final approval of Phase 2 of Sunset Equestrian Cluster Subdivision, located at approximately 4075 W 2200 S, Ogden. Phase 2 will consist of 16 building lots and four agriculture preservation parcels as well as three open space common area parcels. The proposed subdivision meets all applicable regulations of the Weber County Uniform Land Use Code (LUC).

## Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area and by encouraging residential cluster style development with a minimum 30% open space.

Zoning: The subject property is located in the Agriculture (A-1) Zone. The purpose of the Agricultural (A-1) zone is identified in the LUC §104-5-1 as:

*"The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."*

Cluster subdivisions, in accordance with the Land Use Code, are permitted in the A-1 Zone.

The proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. The following is a brief synopsis of the review criteria and conformance with the LUC.

Cluster subdivision design and layout standards: Sunset Equestrian Cluster Subdivision Phase 2 meets the open space width requirements of 75' between clusters of lots per LUC §108-3-4(1). The entire subdivision contains multiple clusters of lots containing no more than 20 lots as outlined in LUC §108-3-4-2. Each cluster of lots is entirely surrounded by the required open space. Exceptions to the open space requirement in between clusters of lots and the subdivision's exterior boundary apply to all lots on existing public streets because the lots are either 15,000 square feet or are adjacent to parcels that do not contain an existing dwelling, per LUC §108-3-4(1).

Lots located along future public roads are allowed to remain under 15,000 square feet because they are located more than 50 feet from their own cluster subdivision boundaries, not including boundaries formed by internal phasing lines if the phasing lines act as a temporary external boundary, per LUC §108-3-7(1)(b).

During preliminary approval the entire cluster subdivision was found to comply with all cluster subdivision regulations.

Open Space Preservation: Phase 2 consists of four agriculture preservation parcels that are to be individually owned by a lot owner within the subdivision. The Open Space Preservation Plan indicates that ownership of land locked agricultural lots without road access is restricted to individuals who own a residential lot that shares a property line with the landlocked agricultural lot. The ownership standard per LUC §108-3-5 states that *"Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same cluster subdivision"* shall be memorialized by placing a note on the final plat, explaining the ownership standard. A note on the plat will allow the county to enforce this standard by not approving land use permits for either the residential lots or the agriculture preservation lots if the ownership is not the same. This note has been added to the final subdivision plat (Exhibit A). The use of the agriculture preservation parcels is outlined in the open space preservation plan. A 30' trail easement is required to be shown within the open space common areas. The trail system that was approved as part of the preliminary approval does not extend through any agricultural parcels within phase 2.

Natural Hazards Areas: The proposed subdivision is located in Zone X as determined by FEMA to be outside of the 500-year floodplain. The proposed subdivision is not in a Natural Hazards Study area.

Culinary water and sanitary sewage disposal: Will Serve letters have been provided by the Taylor West Weber Water Improvement District and the Central Weber Sewer Improvement District regarding culinary water and sanitary sewer disposal. Hooper Irrigation Company has also provided a Will Serve letter regarding secondary water.



The applicant has provided a project notification form, a capacity assessment letter, and a plan submittal waiver from the Utah State Department of Environmental Quality Division of Drinking Water regarding the construction of culinary water improvements.

Review Agencies: All comments from review agencies, including the Engineering Division, Surveyor's Office, and the Fire District will be required to be addressed prior to final approval from the County Commission.

Tax clearance: There are no outstanding tax payments currently related to these parcels. The 2018 property taxes are not considered due at this time, but will become due in full on November 30, 2018.

## Staff Recommendation

Staff recommends final approval of Sunset Equestrian Cluster Subdivision Phase 2, consisting of 16 lots and four agricultural parcels. The recommendation for approval is subject to all review agency requirements and the following conditions:

1. A guarantee of Improvements will be required prior to recording the final mylar, as outlined in LUC §106-4-3.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

## Exhibits

- A. Phase 2 final plat

## Map 1









## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on a conditional use permit application for a gravel crushing and soil conditioner manufacturing site.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, October 09, 2018
<b>Applicant:</b>	Cody Turner
<b>File Number:</b>	CUP# 2018-06

#### Property Information

<b>Approximate Address:</b>	10485 W 900 S, Ogden
<b>Project Area:</b>	1.6 acres
<b>Zoning:</b>	M-3
<b>Existing Land Use:</b>	Vacant Manufacturing
<b>Proposed Land Use:</b>	Gravel Crushing and Soil Conditioner Manufacturing
<b>Parcel ID:</b>	10-041-0020
<b>Township, Range, Section:</b>	Township 6 North, Range 3 West, Section 20

#### Adjacent Land Use

<b>North:</b>	Manufacturing	<b>South:</b>	Manufacturing
<b>East:</b>	Manufacturing	<b>West:</b>	Manufacturing

#### Staff Information

<b>Report Presenter:</b>	<b>Steve Burton</b> sburton@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	RK

### Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 22 Manufacturing Zone (M-1)
- Title 104, Chapter 24 Manufacturing Zone (M-2)
- Title 104, Chapter 25 Manufacturing Zone (M-3)
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses

### Summary and Background

The applicant is requesting approval of a conditional use permit for a manufacturing site involving gravel crushing and soil conditioner manufacturing, located in the M-3 Zone. The proposal also includes a contractors equipment storage yard, which is a permitted use in the M-3 zone. The proposed hours of operation are Monday through Friday from 7AM to 5PM.

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: The proposed use conforms to the Western Weber General Plan by increasing industrial/ manufacturing uses in the existing industrial areas of the Western Weber planning area. (West Central Weber County General Plan, 2003, Page 2-1).

Zoning: The subject property is located within the Manufacturing (M-3) Zone. The purpose and intent of the Manufacturing Zone (M-3) can be further described per LUC §104-25-1 as follows:

*This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aircraft or space craft parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.*

The M-3 Zone has specific standards identified in the LUC §104-25-4 and 104-25-5 that shall be met as part of the development process. The applicable standards are as follows:

*No building for industrial uses shall be constructed and no premises shall be used for such purposes on any lot, which has an area of less than 20,000 square feet.*

*No industrial building or structure shall be located closer than 50 feet to any street or highway. The minimum lot width for all industrial buildings or uses shall be 100 feet. Height of structure shall conform to provisions of title 108, chapter 11.*

Conditional Use Review: The following proposed uses are listed as conditional uses in the M-3 zone: Rock Crusher and soil conditioner manufacture. 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 following is an analysis of the application reviewed against the applicable conditional use standards:

- *Standards relating to safety for persons and property:* The property is located within the heavy manufacturing zone, and is not adjacent to an agricultural or residential zone boundary. Detrimental effects related to safety of persons and property are not anticipated.
- *Standards relating to infrastructure, amenities, and services:* The proposed manufacturing site will not include or require any infrastructure or use that will materially degrade any services in the area.
- *Standards relating to the environment:* A condition of approval has been added to the staff recommendation regarding possible degradation of the environment. The condition is that the applicant comply with all state regulations, including DEQ regulations, for gravel crushing and soil conditioner manufacturing.
- *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan:* Similar manufacturing uses are being conducted in the surrounding area. The proposed use is anticipated to blend in well to the current qualities and characteristics of the surrounding area.

Design Review: The proposed conditional use mandates a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. 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.* As part of this consideration, the applicant has provided a site plan (Exhibit B). The contractor will be responsible to guarantee site materials are not tracked onto the County roadways. The site plan indicates an equipment parking area that is approximately 12,000 square feet in area, for the parking of contractor equipment such as excavators, trucks, dozers, loaders, and trailers. The parking area is approximately 50 feet from the front property line along 900 South. The developer will be required to install the hard surface parking area prior to issuance of a certificate of occupancy for the future buildings. Traffic safety hazards and congestion are not anticipated if the recommended conditions are imposed.
- *Considerations relating to outdoor advertising:* The applicant is not currently proposing any signage for this operation. A separate design review approval will be required if the applicant decides to include signage in the future.
- *Considerations relating to landscaping.* The proposed landscaping plan includes 10 % of the project area as gravel mulch landscaping (Exhibit B). The landscaping is required to be installed prior to issuing a certificate of occupancy for the future buildings.
- *Considerations relating to buildings and site layout.* The site plan indicates the location of the soil conditioning site, which is approximately 750 feet from the county road. The rock crushing will be located at the rear of the property, approximately 1,700 feet from the county road. The project narrative describes a location for future

buildings. Because the proposal does not include building concepts, a separate design review will be required prior to the future buildings being constructed.

- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division including but not limited to storm water and surface water drainage, retention facilities, and site clean-up of the property. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The proposed site does not have any type of development agreement associated with the property; therefore, considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: Prior to the commencement of work, the applicant will need to receive the approval from all applicable agencies, including the Weber Morgan Health Department for the proposed use. A condition has been made part of the Planning Division's recommendations to ensure that all conditions of the review agencies will be met.

### Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under "Decision Requirements", which states:

*a) 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. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.*

*b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

The Planning Commission will need to determine if the request for a gravel crushing and soil conditioner manufacturing facility has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the "Decision Requirements" and other applicable ordinances been met?

### Staff Recommendation

Staff recommends approval of file# CUP 2018-06, a conditional use permit for a gravel crushing and soil conditioner manufacturing facility, located at approximately 10485 W 900 S, Ogden. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The applicant must comply with all state regulations for gravel crushing and soil conditioner manufacturing.
2. The future buildings and signage will be required to complete a separate design review approval, prior to building permit application submittal.
3. The landscaping and hard surface parking are required to be installed prior to issuing a certificate of occupancy for the future buildings.

This recommendation is based on the following findings:

1. The proposed use conforms to the West Central Weber County General Plan.
2. The proposed use, if conditions are imposed, will not be detrimental to public health, safety, or welfare.

3. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Application and narrative
- B. Site plan

## Map 1



# 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)
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## Property Owner Contact Information

Name of Property Owner(s) TURNER DEMOLITION COMPANY		Mailing Address of Property Owner(s) 10485 W. 900 S OGDEN, UT 84404	
Phone (801) 603-2517	Fax		
Email Address (required) TURNERSDEMOLITION@COMCAST.NET		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Property Information

Project Name TURNER DEMOLITION COMPANY	Total Acreage 9.635	Current Zoning M-3
Approximate Address 10485 W. 900 S. OGDEN, UT 84404	Land Serial Number(s) 10-041-0020	

**Proposed Use**  
SHOP FOR EQUIPMENT, STORAGE AND WORK YARD FOR ROCK CRUSHING AND TREE GRINDING

### Project Narrative

- 1) SHOP FOR EQUIPMENT REPAIR AND MAINTENANCE WITH ONE OR TWO SMALL OFFICES.
- 2) CONSTRUCTION STORAGE YARD
- 3) MATERIALS STORAGE AND CRUSHING CONCRETE
- 4) COMPOSTING TOPSOIL WITH TREE GRINDING

**Basis for Issuance of Conditional Use Permit**

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

ANY DUST THAT IS RAISED DURING ROCK CRUSHING WILL BE MITIGATED BY SPRAYING WATER DOWN. NOISE WILL BE LIMITED AND NOT BE CONTINUOUS. NOISE AND DISTURBANCE WILL NOT BE MORE THAN ANY OF THE OTHER SURROUNDING BUSINESSES.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

CONTRACTORS STORAGE YARD IS A PERMITTED USE OF M-3 ZONE. ROCK CRUSHING IS A CONDITIONAL USE OF M-3 ZONE.

CODY TURNER

1. CONSTRUCTION STORAGE YARD / NOT A JUNK YARD!

2. PARKING FOR

- EXCAVATORS
- TRUCKS
- DOZERS
- LOADERS
- TRAILERS

FUTURE

- SHOP
- A couple of SMALL OFFICES
- 

CONCRETE CRUSHING

TOP SOIL & MULCH



EAST 2200-500-1-#

SOUTH

CONCRETE ASPHALT CRUSHING AREA

TREES

MULCH

TOPSOIL

ROTO MILL ASPHALT

WEST

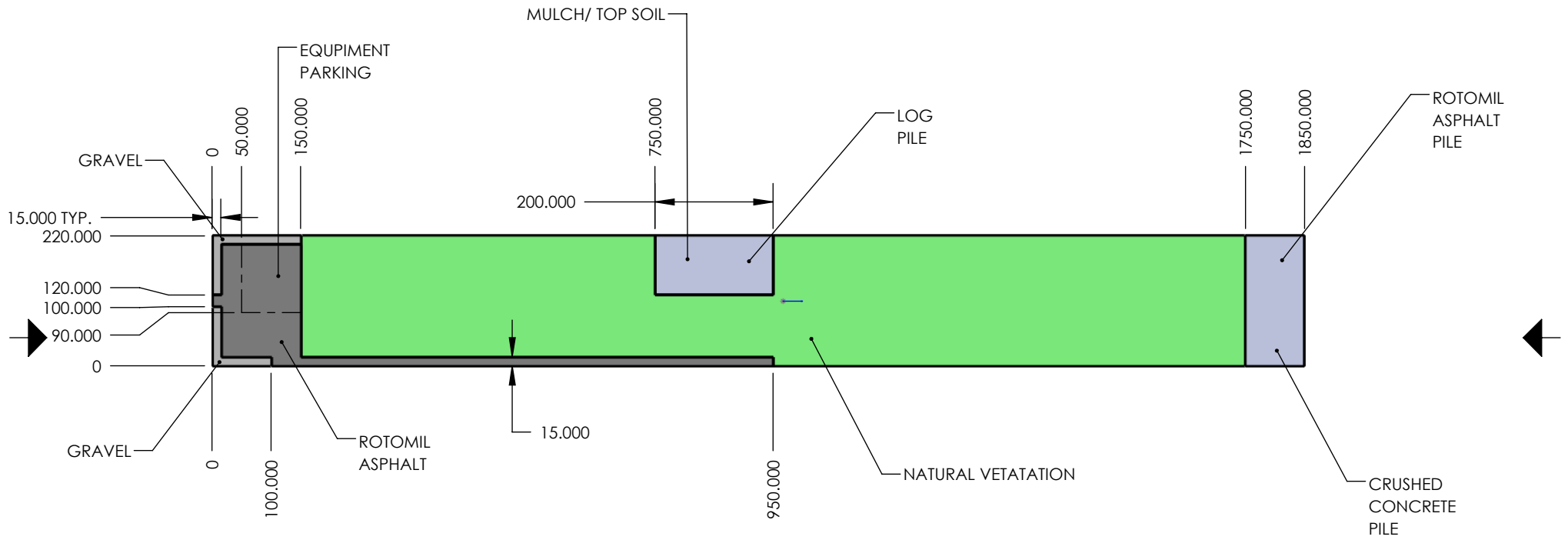
FUTURE

BUILDING SITE

ROTO MILL ASPHALT

NORTH







## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on a request for final approval of Sun Crest Meadows Subdivision Phase 2.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, October 09, 2018
<b>Applicant:</b>	Stan Nielsen and Dee Wight
<b>Authorized Representative:</b>	Carson Jones
<b>File Number:</b>	LVS082218

#### Property Information

<b>Approximate Address:</b>	2550 S 4700 W, Taylor, UT
<b>Project Area:</b>	10.13 acres
<b>Zoning:</b>	A-1
<b>Existing Land Use:</b>	Agricultural
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	15-086-0018
<b>Township, Range, Section:</b>	Township 6 North, Range 2 West, Section 32

#### Adjacent Land Use

<b>North:</b>	Residential (Phase 1)	<b>South:</b>	Agricultural
<b>East:</b>	Residential	<b>West:</b>	Residential/Agricultural

#### Staff Information

<b>Report Presenter:</b>	<b>Steve Burton</b> sburton@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	RK

### Applicable Ordinances

- Title 104, Zones, Chapter 5, Agricultural (A-1) Zone
- Title 104, Zones, Chapter 7, Agricultural (A-2) Zone
- Title 106, Subdivisions

### Background

The applicants are requesting final approval of Sun Crest Meadows Subdivision Phase 2, consisting of 9 lots. Preliminary approval of the entire phasing plan of the subdivision, consisting of 47 lots, was granted by the Planning Commission on February 21, 2017. As part of the subdivision review process, the proposal has been reviewed against the subdivision ordinance and the standards in the A-1 zone. With the recommended conditions, the proposal complies with the applicable standards.

### Analysis

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

Zoning: The subject property is located in the Agriculture (A-1) zone. The purpose of the Agricultural (A-1) zone is identified in the LUC §104-5-1 as:

The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.

Culinary water and sanitary sewage disposal: Will Serve letters have been provided by the Taylor West Weber Water Improvement District and the Central Weber Sewer Improvement District regarding culinary water and sanitary sewer

disposal. Hooper Irrigation Company has also provided a Will Serve letter regarding secondary water. The applicant has provided a plan submittal waiver from the State Division of Drinking Water regarding the construction of water lines.

**Additional design standards and requirements:** A guarantee of Improvements will be required as outlined in LUC § 106-4-3. As part of the conditions of preliminary approval, the applicant is required to install curb, gutter, and sidewalk along both sides of the existing and proposed streets.

Due to previous concerns of existing agricultural buildings on the site, the Planning Commission required the following condition of preliminary approval:

All land use and building code requirements being satisfied and the project cannot bring any other properties out of compliance and any buildings currently not meeting building code are required to be demolished.

The agricultural buildings that existed within the boundaries of phase 2 have been demolished.

**Review Agencies:** To date, the proposed subdivision has been reviewed by the Engineering Division, Surveyor's Office, and the Fire District. A condition of approval has been added to ensure that all conditions of the Review Agencies will be addressed prior to the recording of the final mylar.

**Tax clearance:** There are no outstanding tax payments currently related to these parcels. The 2018 property taxes are not considered due at this time, but will become due in full on November 30, 2018.

## Staff Recommendation

Staff recommends final approval of the Sun Crest Meadows Phase 2, consisting of 9 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A guarantee of Improvements will be required as outlined in LUC § 106-4-3.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

## Exhibits

- A. Phase 2 final plat
- B. Preliminary plan

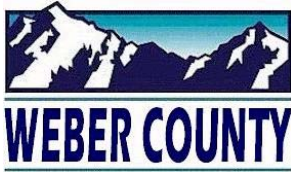
## Area Map











PUBLIC WORKS /ENGINEERING  
(801) 399-8374  
FAX: (801) 399-8862  
**Jared Andersen, P.E.**  
**County Engineer**

## MEMO

TO: Mrs. Aydelotte,  
FROM: Chad Meyerhoffer  
DATE: October 1, 2018  
SUBJECT: Fenster Farms Phase 2&3

In the review of some of the recent concerns with the above mentioned subdivision the Engineering Dept. will be reviewing the development and ensuring that they address the drainage as it pertains to the ordinances of Weber County. Were this area is not within a mapped flood plain, there is historical data that shows there is a flooding potential. FEMA is currently studying within this area but we do not have official FEMA data on the base flood elevations. We do have information on base flood elevation that we will work with the Developer on setting for each lot.

More detailed information will be submitted to the county after preliminary approval is granted. With the improvement plans submitted elevations will be provided/requested for the storm drainage system to make sure that it is installed correctly and will handle the added storm water from this development.

Where groundwater is high in the western part of the county it is difficult to regulate crawlspace depth. Basements can be regulated if there is base flood elevation data that could support the need to raise the home to protect it from flooding potential.

Sincerely,

Chad Meyerhoffer  
Weber County Engineering Dept.  
Phone: (801) 399-8004  
e-mail: cmeyerho@co.weber.ut.us





## Staff Report to the Western Weber County Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on preliminary approval of Fenster Farms Phase 2 Subdivision, a eight lot subdivision.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, October 09, 2018
<b>Applicant:</b>	Kenny Palmer, Representative
<b>File Number:</b>	LVF071318

#### Property Information

<b>Approximate Address:</b>	560 N 5500 W, West Warren, UT, 84404
<b>Project Area:</b>	25.78 acres
<b>Zoning:</b>	Agricultural (A-2)
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	15-024-0015, 15-024-0016
<b>Township, Range, Section:</b>	T6N, R2W, Section 07 SE

#### Adjacent Land Use

<b>North:</b>	Agricultural	<b>South:</b>	Agricultural
<b>East:</b>	Agricultural	<b>West:</b>	Residential

#### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte taydelotte@co.weber.ut.us
<b>Report Reviewer:</b>	RK

### Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 (A-2 Zone)

### Background and Summary

The applicant is requesting preliminary approval of Fenster Farms Subdivision Phase 2, consisting of 9 lots, including continuation of a county, dedicated road (560 North St) located at approximately 560 N 5500 W in the A-2 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

### Analysis

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

Zoning: The subject property is located in the A-2 Zone. Single-family dwellings are a permitted use in the A-2 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed phase of Fenster Farms meet this requirement.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-2 zone standards in LUC § 104-7. The proposed subdivision will not create any new public streets, but continue a previously dedicated public street (dedicated in Phase 1).

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for both culinary (West Warren-Warren Water) and secondary (Mt. View Irrigation). Weber-Morgan Health Department has performed the necessary testing to recommend design requirements for on-site septic systems for each lot.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being forwarded for final approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2018 property taxes are not considered due at this time, but will become due in full on November 30, 2018.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC § 106-1-6.

## Staff Recommendation

Staff recommends preliminary approval of Fenster Farms Subdivision Phase 2, a nine lot subdivision located at approximately 560 North 5500 West. This recommendation is subject to all review agency requirements. This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

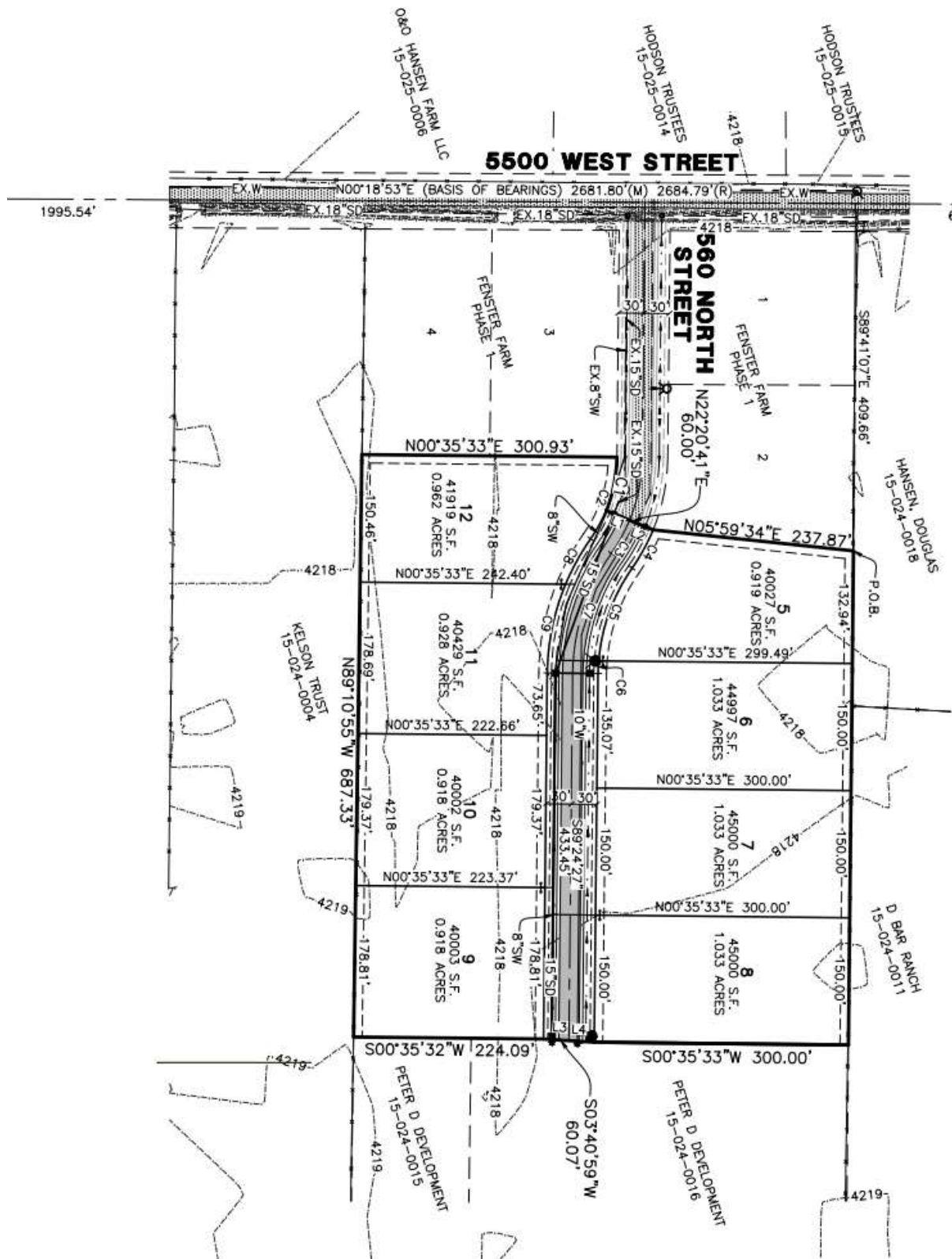
## Exhibits

- A. Subdivision plat
- B. Feasibility letters

## Area Map







WEST WARREN-WARREN WATER IMPROVEMENT DISTRICT  
5783 W 950 N  
WARREN, UTAH 84404  
801-731-1702  
www.westwarrenwtr@gmail.com

July 9, 2018

One Behalf of Kenny Palmer for the Fenster Sub Division

The West Warren and Warren Water Improvement District will supply culinary water to the Fenster Sub Division (phase two) located on 5500 West in Warren, Utah. This letter of **intent to supply** applies to only the eight lots included in the phase two plot plan.

Installation of culinary water and meter placement is also contingent on the second water line installation and proof that it is working at the time the culinary water meter is installed to the residence.

The water is available upon payment of current meter installation and impact fees at the time of construction and is to be paid prior to the beginning of construction.

Should you have questions or comments, please contact the district clerk at the phone or e-mail listed above.

Sincerely,

Connie S. Judkins  
District Clerk  
West Warren and Warren Water Improvement District.

RLG/csj

Mt. View Irrigation  
5238 W 150 N  
Ogden, Utah 84404

7-6-2018

To: West Warren – Warren Water District & Weber County Planning

Dear Sirs,

This is to confirm that Mt. View Irrigation has the capacity to serve secondary water to the 8 Lots in Fenster Farms Subdivision Phase 2. The owner of the subdivision has completed a development agreement with the company which includes providing the applicable water shares sufficient to provide water to the project, completion and approval of the pipelines, service laterals and payment of applicable connection fees. Upon completion of these items, Mt. View Irrigation will deliver pressurized secondary water to the project. Each lot owner will become a shareholder in the company and be bound by its by-laws.

Signed

A handwritten signature in cursive script, appearing to read 'Kami Marriott', written in dark ink.

Kami Marriott  
Secretary

June 26, 2018

Weber County Planning Commission  
2380 Washington Blvd.  
Ogden, UT 84401

RE: Preliminary Subdivision **Determination**  
Fenster Farm, Phase 2, Lots 5-12  
Parcel #15-024-0016  
Soil log #13996

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Peterson Pipeline Water Improvement District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit**

**DESIGN REQUIREMENTS**

Lot 7, 8, 9, 10, 11 Documented ground water tables not to exceeding 12 inches, fall within the range of acceptability for the utilization of a Wisconsin Mound Treatment System or a Packed Bed Media System followed by an At-Grade absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. As defined in the Utah Administrative Code R317-4 Table 6 the absorption area is to be designed using a maximum loading rate of 0.25 gal/sq. ft./day for a Wisconsin Mound absorption area, or 0.40 gal/sq. ft./day for the At-Grade absorption area as required for the fine sandy loam, massive structure to clay loam, blocky structure soil horizon, with documented percolation rates of less than 60 minutes per inch.

Lot 5, 6, 12 Documented ground water tables not to exceeding 12 inches, fall within the range of acceptability for the utilization of a Packed Bed Media System followed by an At-Grade absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.35 gal/sq. ft./day as required for a clay loam blocky structure with a documented percolation rate of between 96-120 minutes per inch.

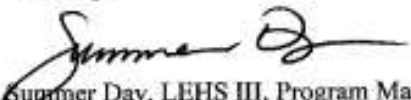
Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned.

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,



Summer Day, LEHS III, Program Manager  
Environmental Health Division  
801-399-7160

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | [www.webermorganhealth.org](http://www.webermorganhealth.org)