## MINUTES WEBER COUNTY COMMISSION MEETING

Thursday, September 3, 1998 - 9:00 a.m. Commission Chambers, Weber Center

Each Commission Meeting/Work Session is recorded on audio tape. The tape is available to the public through the County Clerk's Office.

Commissioners Present: Chair Glen H. Burton, Commissioner Joe H. Ritchie and Commissioner Bruce H. Anderson.

Others Present: Linda G. Lunceford, County Clerk/Auditor, David C. Wilson, Deputy County Attorney. Fátima Blackford, Administrative Assistant, County Clerk/Auditor's Office, took minutes.

The Pledge of Allegiance was conducted by Linda G. Lunceford and the thought of the day was offered by Commissioner Ritchie.

Final Approval of
Fairway Oaks
Subdivision Phase 2, 20
Lots & Approval of
Financial Guarantee

Jim Gentry, County Planning Dept., showed the area map. He stated that it comes with a recommendation for approval from the Planning Commission and the financial guarantee is for \$270,714.00. Chair Burton asked regarding water quantity as there are numerous concerns with water shortages that were occurring throughout various developments. He said that it appears that there is no mandate for people to hook-up to secondary water and that some are using culinary water for watering. He asked if there is a County review process that looks at homeowners by-laws to see if this can be mandated. Mr. Gentry stated that these requirements depend upon the water company. If they require secondary water hook-up, then the County records a covenant against the property. Blaine Wade, Wolf Creek, (has supervision over water and sewer systems) said that he didn't think it is required on the by-laws but that they will mandate secondary water hook-ups.

• Commissioner Anderson moved to grant final approval of Fairway Oaks Subdivision Phase 2, 20 lots and approval of \$270,714.00 financial guarantee (which includes 10% contingency fee), and to include in this approval that secondary water hook-ups be a requirement. Commissioner Ritchie seconded, all voting aye.

Final Approval of Elkhorn Subdivision Phase 3, 27 Lots & Approval of Financial Guarantee Jim Gentry, County Planning Dept., showed the area map and said that it comes with a recommendation from the Planning Commission for approval. Mr. Lowell Peterson, Wolf Creek, stated that they will require secondary water hook-ups when people sign up for culinary water.

• Commissioner Anderson moved to grant final approval of Elkhorn Subdivision Phase 3, 27 lots, and approval of the \$400,091.00 financial guarantee (includes 10% contingency fee) and that secondary water hookup be mandatory. Commissioner Ritchie seconded, all voting aye.

E13

ROLL CALL VOTE Commissioner Burton aye Commissioner Cain aye Chair Bischoff aye

M. Request to Adopt Ordinance Amending Chapter 5B, AV-3, in Order to Clarify Conditional Use Regulation of Dog Kennels in the Ogden Valley - Ordinance 2000-16

This item was presented on June 21 but as no ordinance had been prepared at that time, Kelly Grier, County Planning Department, presented it now for adoption.

Commissioner Burton moved to adopt Ordinance 2000-16, amending Chapter 5B, AV-3, of the Weber County Zoning Ordinance, in order to clarify Conditional Use regulations of dog kennels in the Ogden Valley. Commissioner Cain seconded.

ROLL CALL VOTE Commissioner Burton aye Commissioner Cain aye Chair Bischoff aye

N. Request to Set Public Hearing Date to Approve Revised Site Plan for Fairway Oaks P.R.U.D. Jim Gentry, County Planning Department, said that the developer had built some of the homes (which were all single family homes) of this Planned Residential Unit Development (P.R.U.D.). Some of the decks and cantalevers were built over the buildable areas and the P.R.U.D. plan was being revised and would show new buildable areas.

Commissioner Cain moved to set July 12, 2000, at 5:00 p.m. for a public hearing to approve the revised site plan for Fairway Oaks Planned Residential Unit Development. Commissioner Burton seconded, all voting aye.

O. Final Approval of Middle Fork Meadows, 3 Lots, Located on 1040 N. 7800 E., & Acceptance of \$39,600 Financial Guarantee

Jim Gentry, County Planning Department, showed the area map of the Middle Fork Meadows, a part of Ry-Ky Estates. He said that lot 1 of Ry-Ky Estates would be vacated and a road would be constructed through Ry-Ky to serve the 2 lots in the rear. The Planning Commission unanimously recommended approval.

Commissioner Burton moved to grant final approval of Middle Fork Meadows, 3 lots, and the acceptance of the financial guarantee in the amount of \$39,600.00. Commissioner Cain seconded, all voting aye.

P. Final Approval of Summit Ski Lake Phase 4, 7 Lots, & Acceptance of \$105,476.00 Financial Guarantee

Jim Gentry, County Planning Department, said that this was the continuation of the Summit Ski Lake in the Ogden Valley and that the Planning Commission had recommended approval.

Commissioner Burton moved to grant final approval of Summit Ski Lake Phase 4, 7 lots, and acceptance of the financial guarantee in the amount of \$105,476.00. Commissioner Cain seconded, all voting aye.

Q. Notice of Award of Contract to RLM Construction, Inc. for North Fork/Memorial Parks ADA Restroom Project

Dennis Richardson, County Engineering, stated that this project had gone to bid twice and each time the bids had come in way over budget, with the lowest bid the second time being \$260,000.00. The county negotiated with RLM for \$180,000.00. Mr. Richardson explained that the restrooms would be precast concrete units, with an exposed outer aggregate, and were basically like other ADA compliant restrooms.

Commissioner Burton moved to approve the Notice of Award of Contract to RLM Construction, Inc. for the Weber County North Fork/Memorial Parks ADA restroom project. Commissioner Cain seconded, all voting aye.

R. Approval of CDBG Contracts for North Fork Park/Memorial Park ADA Restrooms & Mud Creek Storm Drain - Contract C2000-66 and 67

Dennis Richardson, County Engineering, said that this was the second year of the multi-year projects for North Fork Park/Memorial Park and the Mud Creek Storm Drain. He indicated that multi-year contracts were previously handled with an amendment for the second year, however, this year the procedure has been

6/28/00

Minutes of the Weber County aship Planning Commission meeting h ugust 12, 1997, held in the Weber County Commission Chambers, 2380 Washington Blvd., commencing at 5:30 p.m.

**Members Present:** 

Dale Campbell, Vice Chair

Haynes Fuller Wayne Gibson Brent Harsha Becky Messerly Sandra Tuck

Members Excused:

Frank Spinosa

Staff

Craig C. Barker, Director Jim Gentry, Planner Troy Herold, Planner Sherri Sillitoe, Secretary

Monette Hurtado, Legal Counsel

#### Consent Agenda

1. Fairway Oaks, 4000 N. 4900 E., 37 units - Final Approval

#### Regular Agenda Items

- 1. Approval of April 22, 1997, May 13, 1997, June 24, 1997, and July 8, 1997 minutes
- 2. Amendment to Rules of Procedure to require Chairman to vote on all issues.
- 3. Suggested Changes to Rules of Procedure as proposed by Marriott Township
- C.S.P. 2-97 by Kelly Goddard for Site Plan approval for a hardware store and service station at 7800 E. 500 S.
- 5. C.S.P. 3-97 by Rock Toone for a 13' x 13' addition at 5500 E. 2200 N.
- 6. Private Road Acceptance, 2268 S. 3500 W., Wesley Robison
- 7 Wheeler Subdivision, 5100 N. 3600 E., 9 lots Preliminary Approval
- 8. Mountain View Estates #3, 2800 N. 4975 E., 30 Lots Preliminary Approval
- 9. Elkhorn Phase #3, 3600 N. Elkridge, 24 Lots Preliminary Approval
- 10. Bailey Subdivision, 4500 N. 3300 E., 50 Lots Preliminary Approval
- 11. Carver Subdivision, 3900 W. 3600 N., 18 Lots Preliminary Approval
- Other
- Motion to Adjourn

#### 1. Approval of April 22, 1997, May 13, 1997, June 24, 1997, and July 8, 1997 minutes

MOTION:

Commissioner Fuller moved to approve the minutes of the April 22, 1997 and May 13, 1997 minutes. The remaining minutes will be tabled until the next meeting. Commissioner Tuck seconded the motion. A vote was taken and Vice Chair Campbell said the motion carried with all members present voting aye.

The members opted to place this item as a regular agenda item for further discussion.

#### 1. Fairway Oaks, 4000 N. 4900 E., 37 Units - Final Approval

Staff presented the following report:

Finding of Fact:

The petitioner has received approval from the County Commission on the PRUD. They have also addressed the Engineering concerns. In order to transfer "ownership" of the units, plat must be approved for recording.

Questions to ask: None.

<u>Staff and Agency Reviews</u>: Final Approval from Engineering and Surveying departments. Conditions of approval from State Division of Natural Resources on Aug. 8th letter.

Staff Recommendations:

Final approval subject to staff and agency comments.



Motion for Final Approval of Fairway Oaks PRUD subject to agency comments, and bond for improvements that are not yet completed.

Lowell Peterson said he believed all the issues of concern have been addressed. They have been working with the County Engineer and State Department of Natural Resources. The stream channel altering has been approved and staff's concerns have been addressed. The subdivision plan will be transferring ownership of the lots so they can transfer ownership to the new owners.

Dick Manley, Chairman of the Eden Planning Committee, asked if work can be commenced on the stream channel and the roads before final approval has been given. Staff replied that once Preliminary Approval is given, the developer can cut roads. Mr. Manley asked why the detention pond is not shown on the plans. The Eden Planning Committee is concerned about water storage capacity. He is assuming the County is monitoring the storage capacity vs. actual numbers using the system. Mr. Manley asked about secondary water. Restoring the stream channel would be extremely difficult if the members wanted the course changed.

Staff said the approval process for a P.R.U.D. is different from a standard subdivision. Once the P.R.U.D. is approved by the County Commission that is final approval. This plat is on the agenda because they do not want to rent the units. Staff said there will be 578 units on the water system if this project is approved. The detention pond is not on this property which is why it is not on the subdivision plat. However, the cost for improving the pond will be placed in escrow. Commissioner Fuller asked where the stream will be altered. Staff showed this location and said the stream was the overflow channel that is higher than the main channel of Wolf Creek.

Shanna Francis said she contacted the State Division of Water Rights who said as of 3:00 p.m. today the petitioner did not obtain a stream alteration permit before commencing the stream alteration. Ms. Francis also stated they provided false information on their stream alteration application. The stream flows seven to eight months of the year whereas their application said the stream flows only 30 days of the year. The site was excavated before August 8, 1997.

Dick Manley said Mr. Wiscombe from the Patio Springs Home Owner's Association previously said they objected to using a lot in the Patio Springs development for a detention basin. Staff said Mr. Wiscombe signed a letter on June 30, 1997 giving permission to use this lot for the Fairway Oaks Development.

Lowell Peterson said they had been very careful with the work done. They were under the understanding work could commence and their engineer filled out the stream alteration application. The stream channel is defined in some areas and in some areas it is not. This was already an altered channel at the time the golf course was built. He cannot believe that the plans have not been submitted to the State. When he visited the site, he saw they had crossed the future road, but had not altered the stream. Monette Hurtado, Legal Counsel, said when stream alteration occurs, the State contacts the County and states that they are investigating. If they find the stream was altered illegally, they can pursue action.

#### MOTION:

Commissioner Gibson moved to recommend to the County Commission that Final Approval be given to Fairway Oaks P.R.U.D. Subdivision, 400 0N. 4900 E., 37 Units subject to the conditions as listed in the staff report and approval from the State Division of Water Quality for stream path alteration. Commissioner Harsha seconded the motion

#### DISCUSSION:

Commissioner Gibson said he really appreciated the efforts of the Eden Planning Committee to bring information to their attention, but he believes the board does not have the right to deny approval if a proposal meets County Ordinance requirements.

Commissioner Fuller said Mr. Peterson said the stream had been altered in the past. However, there is much discussion about how much drainage should go down stream channels at certain times of the year.

**VOTE:** A vote was taken and Vice Chair Campbell said the motion carried with all members present voting aye.

#### 2. Amendment to Rules of Procedure to require Chairman to vote on all issues

Monette Hurtado said the Rules of Procedure required that they have four members present to act. If there is a 2-1 vote, the Chair only votes to make or break a tie. The Chair does not actually say he votes with the majority. This rule was implemented when the Planning Commission was the final approving body. At that time, the determination was the Chair's role was as an administrator rather than an active member of the board.

Ms. Hurtado submitted proposed wording that would amend the rules of procedure to state that the Chair would vote on all questions unless the chair has declared a conflict of interest so they will always have a majority voting on an issue.

Commissioner Gibson asked what happens if the Weber County planning board approves this amendment and the other townships do not.

No action was taken and the members moved onto the next agenda item.

## 3. <u>Suggested Changes to Rules of Procedure as proposed by Marriott Township</u> This item was tabled as no one was present to discuss this item.

## 4. <u>C.S.P. 2-97 by Kelly Goddard for Site Plan approval for a hardware store and service station at</u> 7800 E. 500 S.

Staff presented the following report:

#### Finding of Fact:

The petitioner's property is zoned Commercial C-2. The petitioner is proposing a hardware store and small retail shops along with a service station. The petitioner is proposing to annex into Huntsville Town in order to obtain culinary water.

Commercial and manufacturing zones require curb, gutter and sidewalk, but there is none in this area. The Planning Commission needs to require the curb, gutter and sidewalk to be installed, or require a deferral agreement for these improvements.

Conformance to General Plan: The proposal conforms to the General Plan for the area

#### Conditions for Approval:

- Landscaping details
- Parking Curbs
- 3. If there is a receiving area, then that needs to be shown
- Screening of the trash dumpster area
- 5. A letter of requirements from Utah Department of Transportation for access off State Highway 39
- Fire District requirements
- Engineering requirements
- The center parking area be separated by a small landscaped area or have the ends of the center parking area landscaped to allow recreation vehicle parking
- 9. Installation of curb, gutter and sidewalk, or require a deferral agreement
- Additional landscaping of the rear property line to provide a buffer between the commercial property and the adjacent home

Staff Recommendations: Staff recommends approval subject to staff and other agency comments

The Health Department said they would approve the septic tank system if the petitioner deletes the freestanding restrooms near the pumps from the proposal. U.D.O.T. would like to see turning and deceleration lanes.

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Monette Hurtado said if Mr. Froerer cannot meet the requirements, this proposal could not receive Final Approval. A developer is not required to develop off-site improvements, but they do have to provide interior roads. If Mr. Waters allows the road to be connected, the public could use the road. If Mr. Waters does not allow the connection, Mr. Froerer could still have a cul-de-sac. Staff explained the Preliminary Approval process at this time.

Commissioner Tuck said she believed a cluster subdivision would have worked better. Legally, she believes they cannot deny Preliminary Approval.

**VOTE:** A vote was taken and Chair Pro-tem Tuck said the motion carried with all members present voting aye.

#### 4. Wolf Creek P.R.U.D. Fairway Oaks 37 units 4000 North 4900 East

Staff presented the following report:

#### Finding of Fact:

The petitioner would like to build a 37-unit PRUD on the North Side of Patio Springs Subdivision. The property is zoned FR-3 that allows PRUD's as a Conditional Use. The proposal is for single family patio type homes on reduced lots. The lots would measure 80' x 47.5', and have the bulk of the property in common open space. The purchasers of the lots would have five different home styles from which to choose. Two of the styles are two story homes (approx. 68' x 38'), the other three are one level homes (71' x 42', 62' x 42', & 48' x 56'). The homes are wood frame construction and would fit well into the surrounding home styles.

The property is approx. 10 acres of which approx. 8 acres is buildable. This would allow up to 48 units per the Wolf Creek Master Plan of six units per acre, or up to 58 units according to zoning requirements of 6,000 sq.ft. per unit in the FR-3. The project is well under the area and density requirements.

Conformance to General Plan: The project does conform to the overall Wolf Creek Master Plan.

#### Staff and Agency Reviews:

#### Planning

The minimum front yard setback for the FR-3 zone is 25'. Most of the "building pads" are 20' from the back of curb, or the edge of the right of way on the public road. Staff would recommend that the minimum front yard setbacks be maintained along the north-south 60' public road. The "building pads" could be reduced to 75' wide and still have a little room for the widest home style proposed (71'). This would allow for a little room to meet the setback requirements and give more space between the units.

Most of the home styles would have to face north-south on the building pads (within the central bull-nosed area). This could force the architectural front of the homes to be other than parallel to the road. This could mean that the front of one house would be looking into the rear of another. This may work out, but some thought should be given to the final landscaping plan to provide some screening, etc. to accommodate that.

The plan calls for some guest parking stalls. It is also staff's understanding that driveways for the units could be used for guest parking. To accommodate this, the minimum setback distance for the front of any garage should be 20' from the back of curb. This would prevent any guest vehicles from overlapping onto the private road. The areas labeled as guest parking would most likely end up being used for snow storage rather than the area that is labeled as such on the east side of the property. Staff does not see a problem for this since guest could still use the driveways.

#### Engineering

Easements for creek, permit from State Engineers Office to relocate stream, FEMA Floodplain study for property, No basements (high spring area), other smaller items (see letter).

Fire No concerns as to hydrant location and access.

#### Water & Sewer

Wolf Creek Wtr. & Swr. has bonded for a new pump in their well. That pump should be installed within the next two months. The sewer lagoons are at half capacity and can be easily upgraded when necessary. The State Division of Water Quality is monitoring this.

#### Staff Recommendations:

Staff feels that the project could work well for this property. However, staff does not feel that approval of this proposal should be given until some engineering concerns have been addressed. Staff would also like to see a detailed "example" of what the units may look like on the property with some landscaping. (This could be done by showing a blow up of one of the bull-nose cul-de-sac's, with the home footprint, landscaping, walks, lighting, etc.)

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Staff received phone calls from property owners asking how this development would fit with the Patio Springs development. Staff said the density would fit well with the Patio Springs development.

Commissioner Gibson asked if the petitioner was against postponing this item. Staff said they had addressed most of the concerns, but staff only received the information today. Staff requests they have more time to review the information.

Staff said FEMA showed the floodplain going through this property. They are not sure this can be diverted without State approval.

Dick Manley, Chairman of the Eden Planning Committee, said that they needed to stay on top of the number of connections allowed on the Wolf Creek water and sewer system. The members were concerned that the catch basins for this development are proposed on another property. If the two-year build out does not happen, they would like to know what happens to the subdivision. The committee was also concerned about open space. Mr. Wiscombe attended their meeting and said the east lots were wet. He was very concerned about potential flooding from Wolf Creek and passing percolation tests. They will need to do further study.

Lowell Peterson, representing Wolf Creek Associates, said the engineering concerns were the only questions left to answer. There is common area at the east end of Wolf Creek. The proposed homes will be back to back. The stream Mr. Manley referred to only flows one to two months out of the year when Wolf Creek is high. They would like to receive approval and request the 5-6 lots be held as restricted lots so they could not be built upon until the question is answered. There is an easement in the common area that works well for storm water detention.

Ken Gardner of Gardner Engineering said this was an existing sewer line that runs through the project. There will be no septic tanks or basements. The stream was relocated when the golf course was constructed. He concurs that these lots could be restricted until they resolve the conflict.

No other comments were received from the audience at this time.

#### MOTION:

Commissioner Gibson moved to recommend approval subject to staff and agency review, that the five lots in question be restricted until the creek issue is resolved, and that the detention basin question is answered. Commissioner Harsha seconded the motion. A vote was taken and Chair Pro-tem Tuck said the motion carried with all members present voting aye.

#### 5. Wolf Creek Timeshare 30 units approx. 3691 North 5100 East

Staff presented the following report:

#### Finding of Fact:

The petitioner is requesting approval of Phase 3 and 4 of Wolf Creek Village Timeshare. This P.R.U.D. (Planned Residential Unit Development) that was approved in 1982 shows a phase consisting of four buildings with a total of 60 units. There is a total of 30 units being proposed in these two phases. Phase one was approved and built in 1982. Phase 2 was approved in 1984 but wasn't built until 1991. The Forest Residential FR-3 zones list P.R.U.D as a Conditional Use, which expires after 18 months.

Staff has no concern with this proposal. There is sufficient landscaping proposed, parking and pedestrian circulation. Wolf Creek Water and Sewer has the capacity to serve these lots and the lots that have been approved. The sewer lagoons are at approximately 60 percent capacity and with the pump that is being installed on their well, sufficient water will be in their water system. The State Division of Drinking Water has stated that there is sufficient storage capacity in Wolf Creek's water system for this development and Wolf Creeks P.R.U.D.

Conformance to General Plan: The proposal conforms with the General Plan

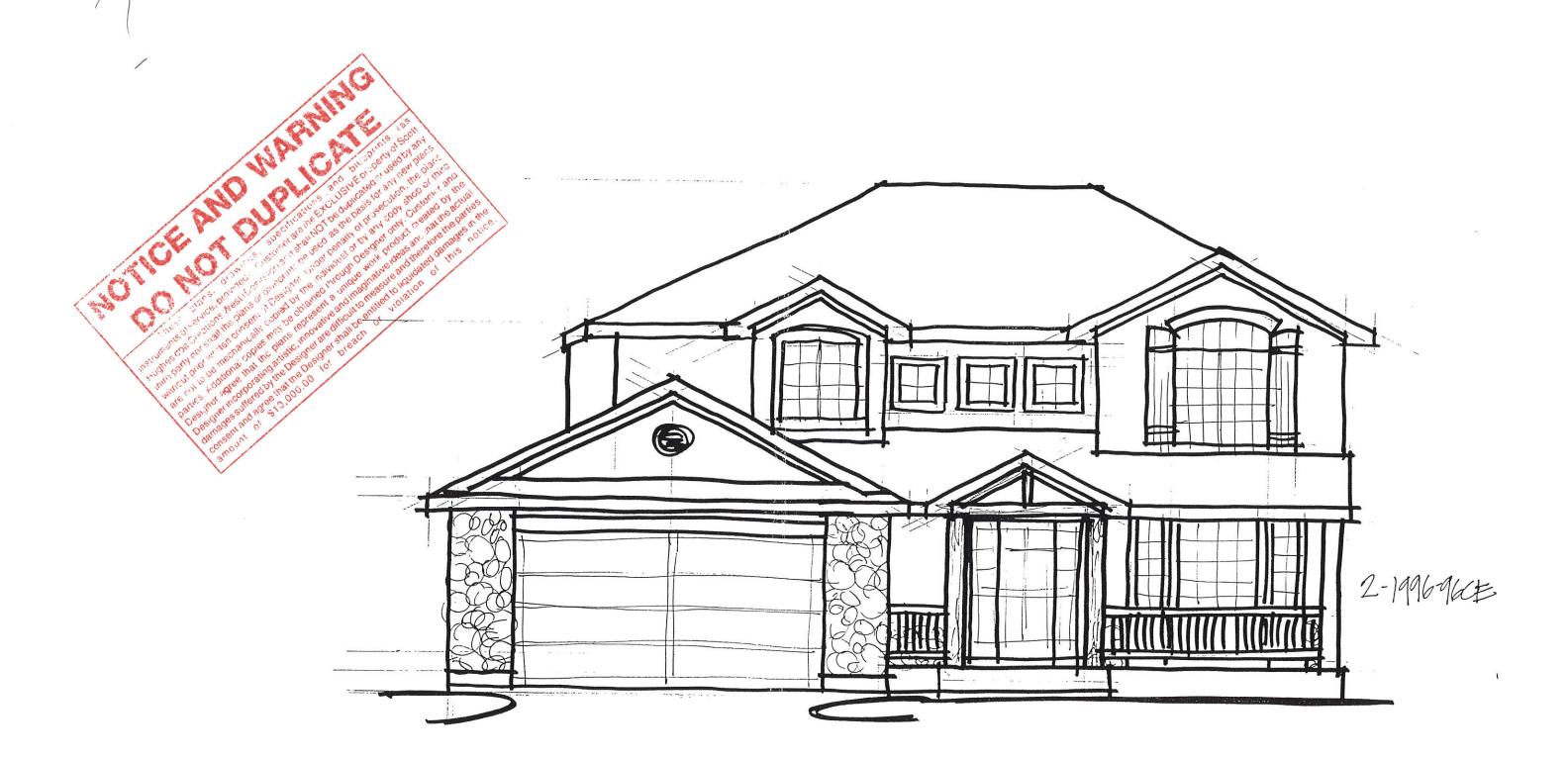
#### Questions to ask:

- Lighting
- . Signs

#### Staff Recommendations:

Staff recommends that Wolf Village Timeshare be approved, subject to staff and other agency comments.

The plans submitted reflected what they wanted to do, but the Conditional Use has expired. Staff has



## NOTICE AND WASNING DO NOT DUPLICATE DO NOT DUPLICATE Specifications and blueprints (as

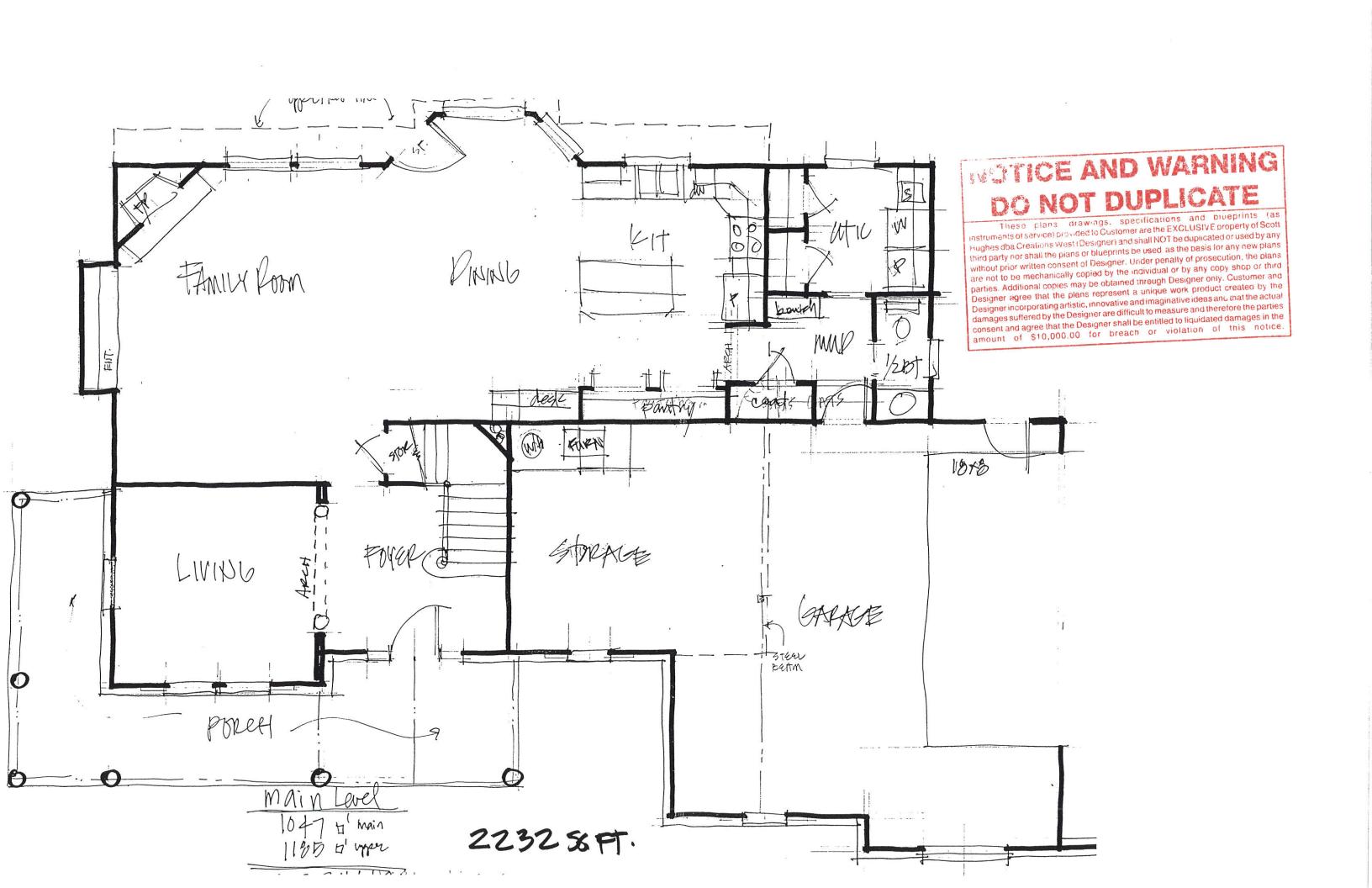
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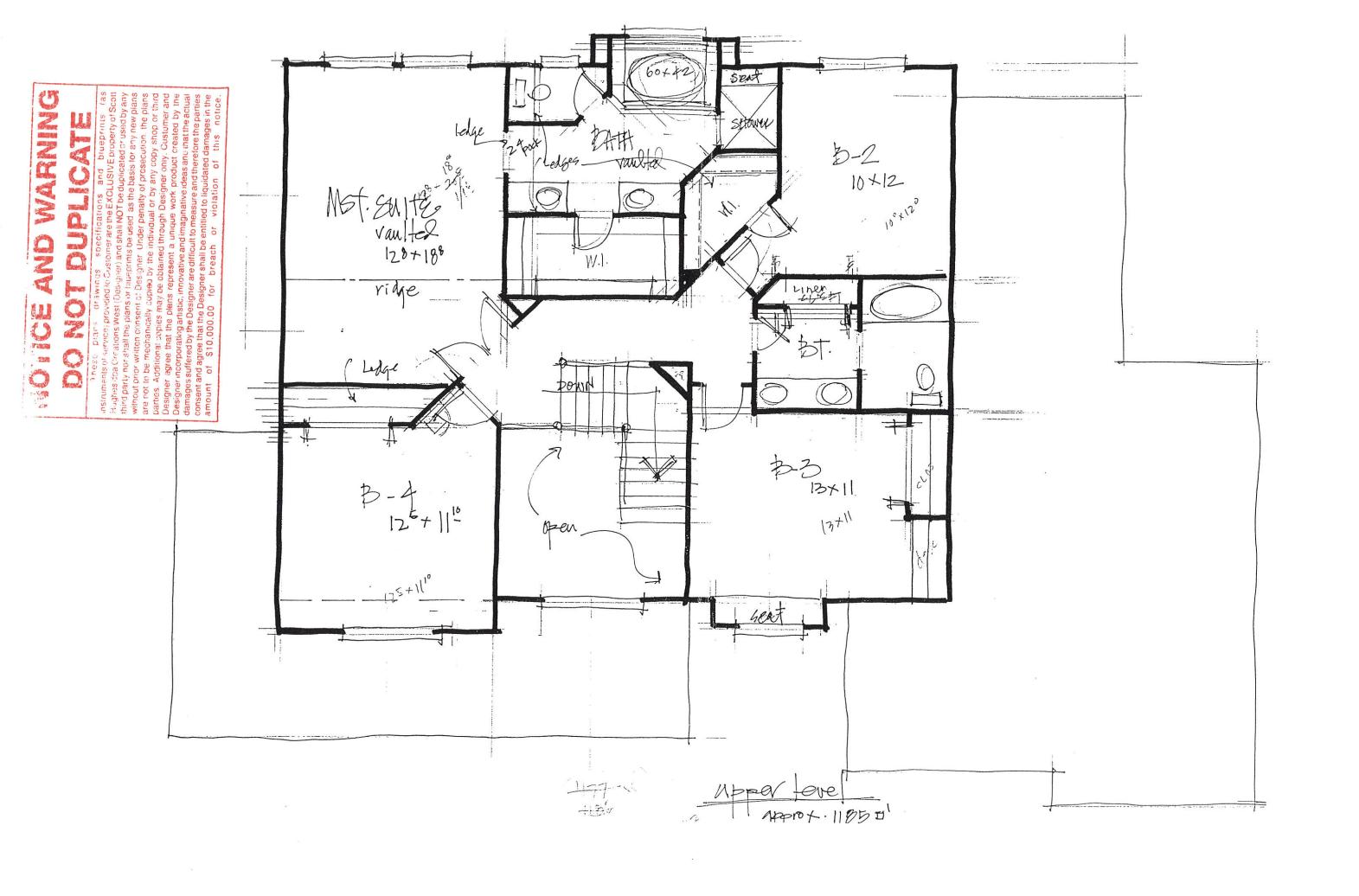


6000 FLOR PLAN



2-2232







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58 :

12'1" GENERAL FATHROOM NOTE: 111-011 Shower to be finished as specified in set. 510 (8) UEL to be not less than 70" high. Materials other than structural elements used in such walls shall be of altoe not adversely effected by moistura. Ceramitile over metal lath and plaster to be covered by 187 felt. 30-01 10-01 11-11 3-31 10-01 31-01 5-01 31-00 11-011 Glazing for snower and bathtub enclosures shall be fully tempered. Laminated saftey glass or approved plastic. 5 PAILING All glazing within 18" of floor to be tempered glass. West! as suffered by the Desk Land agree that the De Lof \$10,000,00 SIR COVERED DECK 71-61/2 2+UP.W. FIRE PROTECTION: 5- . ax Provide 5/8" Type "X" gyp. brd. on all walls and ceilings of garage, nail 4 6"o.c. 3 9r 3'95 395951 All beams and structural members shall be protected with 5/8" gyp. brd. SEATW/STORAGE FIDUE Door between garage and house shall be solid core wood or "8" label door not less than 1 3/4". Smoke detectors are required in all hallways LNEN leading to bedroom areas and in all furnace rooms and in unfinished areas of basements. Wire all detectors to sound simultaneously. 15-8/2× 12-01 0-1/21 Protect enclosed usable space under stairs with 5/8" gyp. brd. Fire block walls at all stair PATH BPM. VANLT HTUHEN Provide fire blocking at all stud cavaties that are greater than 8'-0". HEAT (1) J were crosse 0000 PH D by (IL' PLINT 1/2 WALL MORMI 4" UNC. 540 CHUTTER ZOROCHO FLOOR PLAN GENERAL NOTES: 11. Plumbing wall 2x6 @ 16" o.c. 21. Attic access 22" x 30" with a 1. switched light in attic space. 31. Exhaust fan, 60 CFM run exhaust 1 dust for the outside 3 10.7.14 DOOK LOVERED 11-11/21 duct to the cutside.

Provide 30" min. width for water closet and 24" clearance in front.

Yent dryer to outside with 4" 12 HECH EULY-MP metal ducting, terminate with metal termination cap. 2-8'4 CRUMNS OVER UOSHS WIAPUH SUALE -1502 60. FERT 5'-0" 2-11/2 01-3114 0-3/2" ,21-64 16-0" 5 5/2" 12'-6/2" 24'-0" 62-011

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