



# Staff Report for the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for preliminary approval of Vaquero Village Cluster Subdivision (13 lots) at approximately 900 South 7100 West.

**Decision Type:** Administrative

**Agenda Date:** Tuesday, July 12, 2016

**Applicant:** Dean Barrow, agent

**File Number:** LVV 041116

### Property Information

**Approximate Address:** 900 South 7100 West, West Warren UT

**Project Area:** 12.89 acres

**Zoning:** Agricultural (A-1) and (A-2) Zones

**Existing Land Use:** Agricultural

**Proposed Land Use:** Residential

**Parcel ID:** 10-036-0063

**Township, Range, Section:** T6N, R3W, Section 14

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Ben Hatfield  
 bhatfield@co.weber.ut.us  
 801-399-8766

**Report Reviewer:** RK

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5 Agricultural (A-1 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 Agricultural (A-2 Zone)
- Weber County Land Use Code Title 106 (Subdivision)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 Cluster Subdivisions

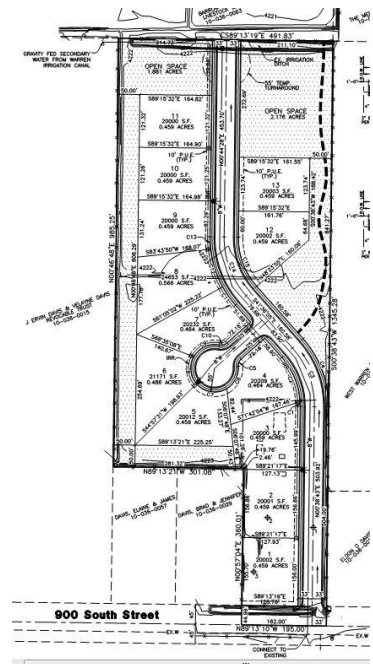
## Background

The applicant is requesting preliminary plat approval of Vaquero Village Cluster Subdivision (13 lots) at approximately 900 South 7100 West in the A-1 and A-2 Zones. The conceptual sketch plan endorsement was reviewed by the Planning Commission on March 8, 2016.

## Analysis

**General Plan:** The proposal conforms to the Western Central Weber County General Plan in a manner that it preserves area as open space. Subdivisions that meet the requirements of applicable Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

**Land Use Code Standards:** As part of the subdivision process, the proposal has been reviewed against the adopted current zoning and subdivision code (LUC §106) to ensure that the regulations and standards have been adhered to. It appears that with certain imposed conditions, the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the Uniform Land Use Code of Weber County (LUC).



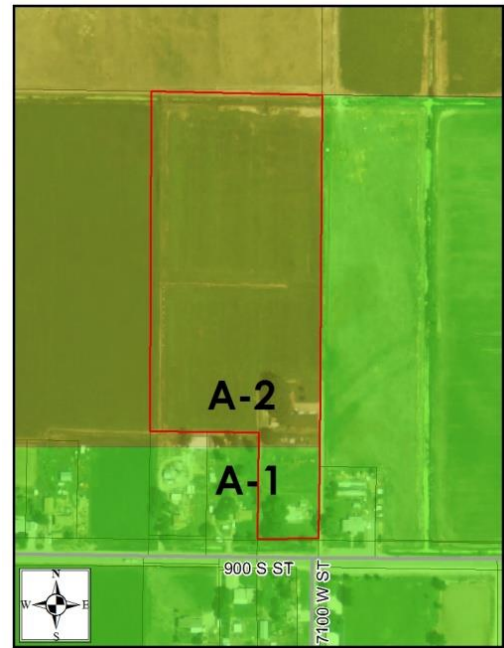
Access: A new section of road is proposed with this subdivision which will provide access and frontage to all 13 lots. The new roadway would extend north from 900 South at 7100 West, completing an intersection at 7100 West. The roadway will be 66 feet wide and will stub to the end of the property with a temporary turnaround. About halfway down the roadway a small cul-de-sac would branch off to the west, and will be 50 feet wide.

Zoning:

Parcels Split by Zoning Boundaries: A zoning boundary between the A-1 and A-2 Zones crosses east and west through this property and this area of the County approximately 280 feet North of 900 South.

LUC §104-1-4 explains that when a proposed lot is split by a zoning boundary the standards for area requirements depends on which of the zones has the more restrictive (or larger) area requirement. This is based upon a two-thirds rule.

- If two-thirds of the lot’s area is contained in less restrictive zone, the lot may develop based upon the minimum standards of that zone. However the home must be built in that less restrictive zone.
- If this is not the case then the home can be built in the larger zone, but the lot must meet the lot standards of that zone. The area within the less restrictive zone may be applied to lot to meet the larger standard.



The area standards between the A-1 and A-2 Zone do differ for most uses, however for single family dwellings both zones only require a minimum area of 40,000 square feet per lot (LUC §104-5 and 104-7). As the two zones have the same area standard the affected lot in the subdivision could develop as a split zoned parcel without a Zoning Map Amendment. The uses for lots 3 through 13 would be limited to only single family dwellings.

Cluster Subdivision: The proposed project will occupy 12.89 acres and consist of 13 lots, with 4.14 acres (32.1%) of common area which will be open space. The proposal meets the requirement of 30 percent open space. The lots are centered in the subdivision design and surrounded by 50 feet of common area. This area will be maintained by a Home Owners Association. The subdivision will be serviced by approximately 2.62 acres of public road improvements. The property has 10.27 acres of net developable area once the road is subtracted. Since the zoning requires 40,000 square feet of area, 11.18 lots would be allowed on this property. The applicant is asking for a 25 percent density bonus by proposing public access to the open space (15%) and by meeting the purpose and intent of a cluster subdivision (10%). To reach the requested 13 lots the subdivision will not use the full 25% bonus density and only requires a bonus density of 16.3 %. The Planning Commission will need to determine if the proposal is sufficient for the requested bonus density. A Home Owners Association will be created with specific Community Covenants and Restrictions

<b>Design Specs.</b>	
Total Area.....	12.89 ac.
Right-of-Way.....	2.62 ac.
Developable Area.....	10.27 ac.
Open Space.....	4.14 ac. (32.1%)
Base Density.....	11.18 lots
Bonus Density	
10% Purpose and Intent	
20% Street Trees and Lighting	
15% Public Access to Open Space	
Total Lots Proposed.....	13 lots(16.3% Bonus)

(CC&R’s) to include the maintenance and upkeep of the common area and landscaping.

Lot area, frontage/width and yard regulations: The minimum frontage in a cluster subdivision is 60 feet. The yard setback standards are 20 feet on the front and rear yards to the lot line, and the side yard are minimum of 8 feet each. Dwellings are allowed to be an average height of 40 feet. The 13 lots range from 20,000 square feet to 21,000 square feet meeting lot area and frontage requirements of the cluster subdivision code and Health Department requirements for individual septic systems. As there were multiple structures previously built on this property, all structures must meet setback requirements for each lot they are on if they are to remain. If not, they will need to be removed, or adjustments made to the plat to meet yard setback regulations.

**Subdivision:** The improvement plans include the main road's width to be a 66 foot right of way, while the small cul-de sac has been reduced to a residential 50 foot right of way width. The plans include curb, gutter, and sidewalk on both sides of the street. It also includes 13 street trees and grassed park strips. Six lamp posts have been proposed to be placed along the main roadway. The landscaping plan also includes a three foot wide crushed gravel trail in the common area along with many other trees surrounding the subdivision. The applicant has not expressed at this time whether the common area will be entirely turf grass or if it will be combined with some other types of ground cover. A more detailed plan will be required before final approval listing the size, type and quantity of landscaping. All improvements need to be either installed or escrowed for prior to recording of the subdivision.



**Additional design standards and requirements:** A large irrigation ditch crosses along the north boundary of the subdivision. Irrigation ditches or canals which carry five second feet or more of water is required to install a solid board, chain link, or other non-climbable fence not less than five feet in height. Therefore, if required by the volume of water, the applicant will have to install a non-climbable fence of not less than five feet along this irrigation ditch.

**Culinary water:** A feasibility letter (Exhibit C) by West Warren - Warren Water District giving preliminary approval with the conditions has been provided for culinary water for the proposed subdivision.

- The Planning Division has not received a “project notification form” to date. A condition of approval has been added to ensure that a project notification form is submitted prior to final submittal.
- Prior to final approval from the Planning Commission, a “project notification form” and “capacity assessment letter” on the water system is required.
- A “construct permit” from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission (LUC §106-4-2-a-1-b).

**Secondary Water:** The applicant has provided a stock certificate with Warren Irrigation Company. As part of the improvement plans included for final subdivision review, a plan will need to be submitted for review showing how the secondary water will be supplied to each lot and the common area.

**Sanitary sewage disposal:** It has been proposed that wastewater would be controlled by individual septic systems for each lot. Prior to final subdivision submittal an updated feasibility letter will need to be provided to the Planning Division. A formal review was recently posted from the Health Department and is included in the agency reviews in Exhibit B.

**Review Agencies:** All review agency comments have been attached as Exhibit B. The Weber Morgan Health Department, the Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed the proposal. The applicant will need to address each agency review comment prior to receiving final approval.

**Tax clearance:** The 2015 property taxes have been paid.

**Public Notice:** The required noticing for the preliminary subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6b.

## Summary of Considerations

- Does the subdivision meet the requirements of the Land Use Code? The subdivision meets the requirements for a subdivision and the zones it is located in.
- Should a bonus density of 25 percent be granted?

## Staff Recommendation

Staff recommends preliminary plat approval of Vaquero Village Cluster Subdivision (13 lots). This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Bonus density of 15% granted on the condition of the open space being available for public access.
2. Bonus density of 10% granted on the condition that the subdivision continue to meet the purpose and intent of the cluster subdivision code requirements.
3. A Home Owners Association will be created with specific Community Covenants and Restrictions (CC&R's) to include the maintenance and upkeep of the common area and landscaping. The CC&R's will need to be provided to the County for review prior to final approval.
4. All previously built structures must meet yard setback requirements for each lot they are on if they are to remain.
5. A more detailed final approved Landscaping Plan listing the size, type and quantity of all landscaping.
6. All improvements need to be either installed or escrowed for prior to recording of the subdivision.
7. If required by the volume of water in the canal, the applicant will have to install a non-climbable fence of not less than five feet along the irrigation canal on the north portion of the subdivision.
8. Prior to submitting the final subdivision documents a project notification form will need to be provided to the Planning Division.
9. Prior to final approval from the Planning Commission, a capacity assessment letter on the water system is required.
10. A "construct permit" from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission.
11. As part of the improvement plans included for final subdivision review, a plan will need to be submitted for review showing how the secondary water will be supplied to each lot and the common area.
12. An updated feasibility letter from the Weber Morgan Health Department approving septic system feasibility for each of the 13 lots will need to be provided to the Planning Division.

This recommendation is based on the following findings:

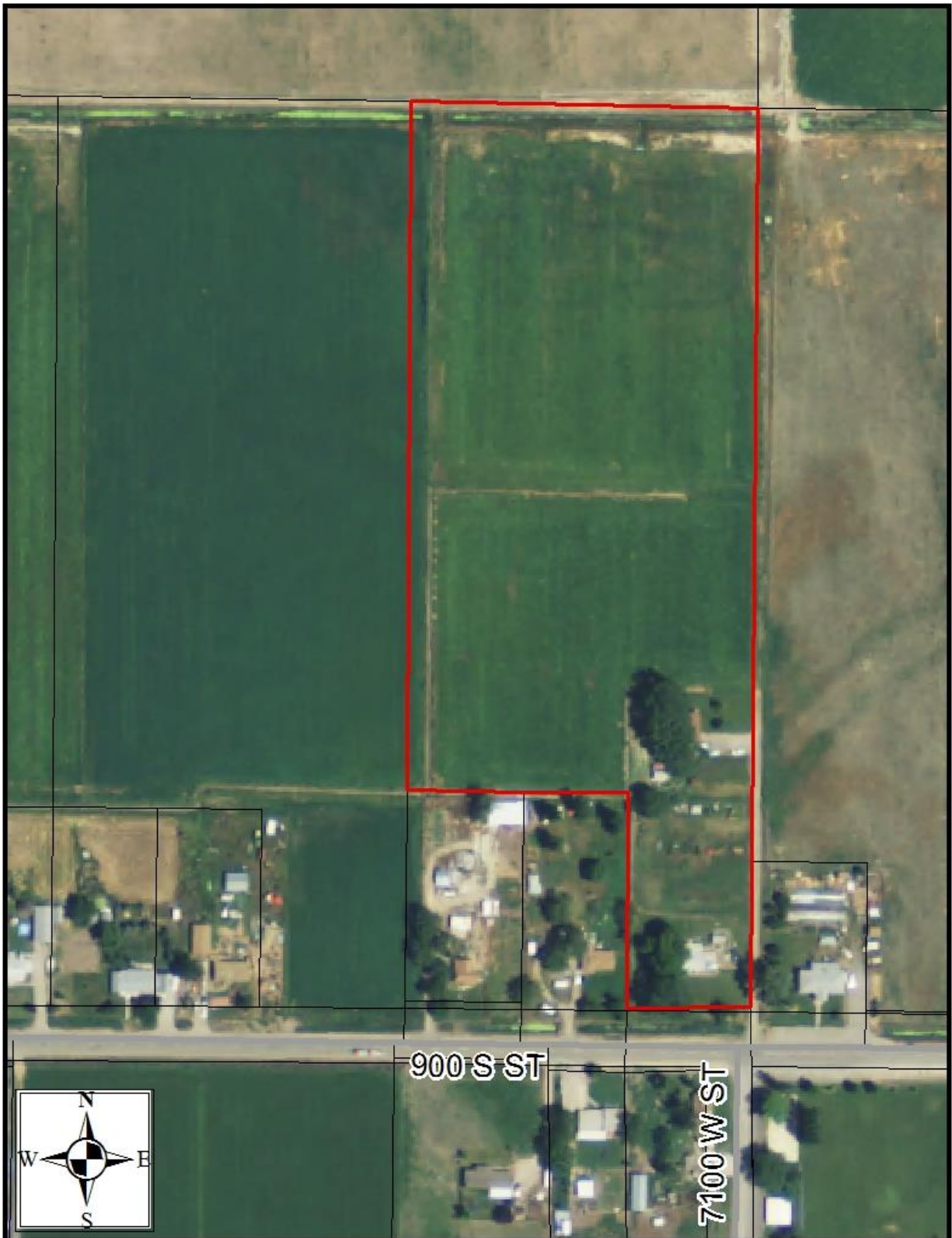
1. The proposed subdivision conforms to the West Central Weber County General Plan.
2. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
3. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
4. With the recommended conditions, the proposed subdivision complies with all applicable County codes.
5. The proposed cluster subdivision meets the purpose and intent of the cluster subdivision standards (10%), and that adequate open space with public access has been made part of the design (15%) to approve a bonus density of 25% to the development.

## Exhibits

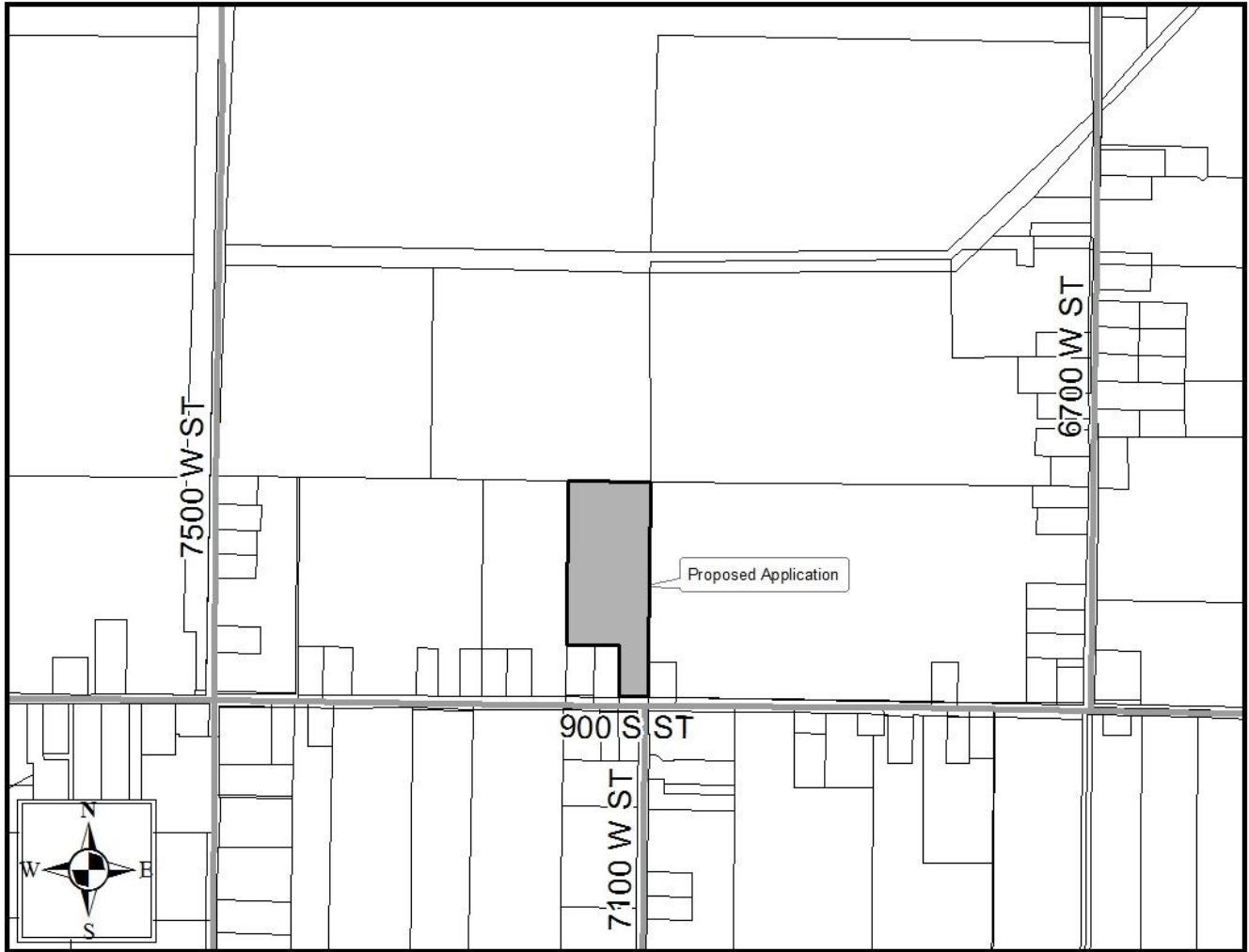
- A. Subdivision Plat
- B. Agency review comments
- C. West Warren – Warren Water letter
- D. Landscaping Plan



Photo of the proposed subdivision



Notice map for the proposed subdivision





## Exhibit B-Review Agencies Comments

### Engineering Review

**Project:** Vaquero Village Cluster Subdivision

**User:** Jared Andersen

**Department:** Weber County Engineering Division

**Created:**

**Approved:** Not Approved

**Notes:** No Review

### Weber Morgan Health Department Review

**Project:** Vaquero Village Cluster Subdivision

**User:** Summer Day

**Department:** Waste Waster Division

**Created:** 2016-07-05

**Approved:** Not Approved

**Notes:** A formal review of the Vaquero Village Subdivision, 13 lots has been completed by this office. The following items are items of concern which do not meet the verbiage or intent of the Utah Administrative code R3127-4 and/or the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation.

1) All lots must meet the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation section 4.39" Minimum lot size shall consist of 20,000 square feet of contiguous buildable area with a slope less than 25 percent." Our office interprets the word "buildable" as area that can be utilized for the construction of structure(s) or onsite wastewater treatment system. Therefore the areas include within restrictive utility easements cannot be considered buildable. All lot must have an area of 20,000 square feet outside of the easements to receive approval from this office

2) This subdivision has been previously included in a much larger future subdivision plan consisting of a total of a 107 half acres lots. The high density development would be required to connect to sanitary sewer as required in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation section 4.12" The sewer may be considered as not being available when such sewer is located more than 300 feet from any building which abuts and is served by such sewer. Proposed subdivisions within 300 feet times the number of lots shall be approved only when connected to the public sewer. The rearrangement or subdivision of a parcel into smaller parcels or multiple phase subdivisions shall not be deemed cause to permit the construction of an onsite wastewater treatment system, and all plumbing and drainage systems on any such parcel or parcels shall connect to the public sewer."

The developer must design and record the subdivision in a manor not indicating future phasing. The developer has proposed to terminate the trough road with a cul-de-sac to eliminate the possibility of future phasing. This must be reflected on the final Mylar to receive approval from our office.

3) Lots 1, 2, 3, and 4. At the time of the soil evaluation dated June 16, 2016 a septic system servicing an existing home was encounter in soil evaluation test pit # 4. The area utilized as a septic absorption field cannot again be utilized for that purpose and must be discounted as portion of the 20,000 square foot buildable space required in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation, unless a statement is provided by the Weber County Planning department that the area can be utilized as portion of the building pad with all required structural consideration and setbacks being meet. Our office is requiring adequate engineering showing the extent of the existing absorption drain field, the proposed building pad, and an area large enough for both the original and replacement absorption drain field for lots 1, 2, 3 and 4 for consideration of approval.

4) An area located near water table monitoring port 4E has been identified as a location of a preexisting abandoned "Grain Silo" or other holding tank which has been filled in and is no longer in use. The area of excavation cannot be used as portion of the septic absorption field because it has been disturbed and does not meet the Utah Administrative code R317-4-6.14.B.4.c. The area must be discounted as portion of the 20,000 square foot buildable space required in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation, unless a statement is provided by the Weber County Planning department that the area can be utilized as portion of the building pad with all required structural consideration and setbacks being meet.



Please resubmit the subdivision for review once all identified issues have been addressed. This review does not forego other items of concern that may come to the department's attention during additional reviews or during construction improvements.

Sincerely,

Summer Day, LEHS III  
Weber-Morgan Health Department, Wastewater Program.  
Phone: (801) 399-7160

**Weber County Surveyor's 1st Review**

**Project:** Vaquero Village Cluster Subdivision

**User:** Bahy Rahimzadegan

**Department:** Weber County Surveyor's Office

**Created:** 2016-04-26

**Approved:** Not Approved

**Notes:** In reviewing the above referenced plat, we have marked areas that still require attention. We have included a copy of the plat marked with these changes. If you have any questions or comments we are here to serve and help you in any possible way to expedite the approval process for this subdivision. We can be reached at the Weber County Surveyors Office at (801) 399-8075. Thank you.

**Weber Fire District Review**

**Project:** Vaquero Village Cluster Subdivision

**User:** Brandon Thueson

**Department:** Weber County Special Events, Weber Fire District

**Created:** 2016-04-18

**Approved:** Yes

**Notes:** FEE NOTICE:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: **Weber Fire District.**

**REVIEW STATUS: APPROVED WITH CONDITIONS**

**SPECIFIC COMMENTS:**

1. Fire Hydrant(s): If water lines are available to connect to which can support fire hydrants, then hydrants must be installed that meet spacing requirements. The maximum spacing between hydrants in a residential area is 500 ft. One new fire hydrant must be provided within 400 feet of the furthest most portion of a building or facility (see IFC 507.5.1). **2 New hydrants have been proposed.**
2. Fire Flow: All dwellings structures over 5000 sq. ft. which do not meet the fire flow requirements, shall be equipped with an NFPA 13D compliant fire sprinkler system or be provided with area separations compliant with the IBC/IRC. For more information regarding fire flow, please contact Fire Marshal Thueson at 801-782-3580.
3. Provide a temporary address marker at the building site during construction.
4. Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
5. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
6. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
7. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.

**A written response for this review is required.**

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.

**WEST WARREN-WARREN WATER IMPROVEMENT DISTRICT  
5783 WEST 950 NORTH  
WARREN, UTAH 84404  
801-731-1702**

**January 21, 2016**

**On behalf of: Justin Barrow**

**Letter of Feasibility**

**Concerning Mr. Barrow's request for culinary water for an eighteen lot subdivision to be located on 900 South in West Warren, Utah.**

**Culinary water is available at the location of the proposed subdivision and will be granted to Mr. Barrow contingent on the following requirements.**

**The district will receive from Mr. Barrow an engineered plot plan of the property, detailing all roads, culinary water lines, fire hydrant placement, secondary water source and proposed secondary water system as well as the amount of secondary water being supplied to each residence. Any rights-of-way for delivery of secondary water.**

**Construction materials for the culinary water system will be specified and all construction will be inspected by the West Warren-Warren Water Improvement District.**

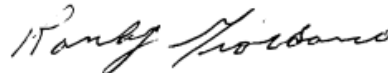
**All culinary water meters will be installed by the West Warren-Warren Water Improvement District.**

**All individual connection and impact fees that are assessed at the time of construction will be paid prior to any residence being constructed.**

**Mr. Barrow will also acquire from the State all prior approval necessary (Project Notification Forms) to implement a subdivision and lay new water lines, and deliver a copy to the West Warren – Warren Water Improvement District.**

**Further contingencies may be added if deemed necessary or required.**

**Randy Giordano  
Chairman of the Board  
West Warren-Warren WID**



**Copy:  
Weber County Planning Commission  
Water District Board Members**

