



WESTERN WEBER TOWNSHIP PLANNING COMMISSION  
MEETING AGENDA

Tuesday, February 11, 2014  
5:00 P.M.

- Pledge of Allegiance
- Roll call

1. Minutes

- 1.1. Approval of the January 14, 2014 meeting minutes

Petitions, Applications and Public Hearings

2. Administrative Items

2.1. New Business

- a. DR 2014-01 Consideration and action on an administrative application, design review approval of the storage building that is more than twice the size of the home at 2139 S 4300 W, (Josh Skidmore, Applicant; Dan Scarbrough, Agent)
- b. DR 2013-13 Consideration and action on an administrative application, design review approval of the new West Weber Elementary School at 4178 W 900 S (Weber School District, Applicant; Paul Feser, NV 5 Engineering, Agent)

3. Legislative Items

3.1. New Business

- a. ZTA 2013-01 Discussion and action on amendments to the Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review) Title 101 (General Provisions) Section 101-7-7 (Definitions) Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 106-1-8 Final Plat Requirements and Approval Procedure
- b. ZTA 2014-01 Consideration and action on a proposal to amend Title 104 (Zones) Chapter 5 (Agricultural-1), Section 7 (Site Development Standards), of the Weber County Land Use Code by reducing the minimum separation (setback) standard in between a main building and an accessory structure

4. Policy and Information Items

- a. 2014 Planning Division Work Program
- b. 2013 General Plan Implementation Update
- c. Contact Information Policy

5. Public Comment for Items not on the Agenda

6. Planning Commission Remarks

7. Planning Director Report

8. Legal Counsel Remarks

9. Adjourn to a Work Session

WS1. Cluster Subdivision Ordinance Discussion

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT  
A pre-meeting will be held at 4:30 P.M. in Room 108, no decisions will be made in this meeting.*



*(In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791)*

Minutes of the January 14, 2014 Western Weber County Township Planning Commission, held in the Weber County Commission Chambers, 2380 Washington Blvd., 1<sup>st</sup> Floor, Ogden, UT

Members Present:        Andrew Favero  
                                 Doug Hansen  
                                 Ryan Judkins  
                                 Mark Whaley  
                                 Wayne Andreotti  
                                 John Parke  
                                 Jannette Borklund

Staff:                        Sean Wilkinson, Planning Director; Ben Hatfield, Planner; Sean Scott Mendoza, Planner;  
                                 Monette Hurtado, Legal Counsel; Sherri Sillitoe, Secretary

- Pledge
- Roll Call

Chair Favero called the meeting to order; he led those in attendance with the pledge of allegiance and conducted the roll call.

1. Minutes

- 1.1. Approval of the December 10, 2013 minutes  
Chair Favero declared the December 10, 2013 meeting minutes approved as written.

Director Wilkinson read the Opening Meeting Statement.

Chair Favero asked if the members had any conflicts of interest or exparte communications they wished to declare for any items on today's agenda and no conflicts of interest or exparte communications were reported.

Petitions, Applications and Public Hearings

2. Administrative Items

2.1. New Business

- a. Discussion and or action on Final approval of Pas De' Calais Subdivision, 3 lots in conjunction with the vacation of Lot 1R Calais Subdivision including a recommendation for a deferral of curb, gutter, and sidewalk on Melanie Lane

Ben Hatfield presented a report and indicated that the applicant is requesting final approval of Pas de Calais Subdivision consisting of three lots located at approximately 2927 E Melanie Lane in the RE-20 Zone. The subdivision meets the area and lot width requirements of this zone. The 2.594 acre parcel was previously divided into Lot 1R of Calais Subdivision. One home has been built on the lot which has access on Melanie Lane. The owner is requesting to divide the property for two additional lots. These two new lots are proposed to have access from 2900 East by a private right of way.

Part of this property was formerly the location of Bybee Pond. In 2002, the berm that held water for the pond was determined to be a dam that could no longer meet the requirements for dam safety from the Utah Division of Water Rights. The pond was drained and the area has been vacant since. Adjacent to the property on Melanie Lane and 2900 East are two parcels owned by Weber County and the Uintah Highlands Improvement District. An area on the Weber County property is used as a retention pond for storm water runoff. A water storage tank and facilities are on the Uintah Highlands Improvement District (U.H.I.D.) property. As access from Melanie Lane is difficult due to steep slopes, U.H.I.D. has a small access to the water tank from the intersection and across the Weber County property. As this access creates a 5<sup>th</sup> point of access at the intersection, an unsafe condition has occurred. Therefore, a different access location with a safe distance from the intersection is preferred.



A separate issue is that some of the retention pond structure is located on Lot 1R. Weber County would like to have these public structures completely on Weber County property. As a result of the proposed subdivision and vacation of Lot 1R, Weber County would receive approximately 4,555 square feet of additional area.

The 30 foot wide access for the two new lots runs along the southwest portion of the retention pond. An area appropriate for emergency vehicles to turn around will be located at the end of the access. The applicant has applied and been approved for access at this location which was approved administratively by the Planning Director on August 9, 2013. An administrative approval hearing was held on December 27, 2013 and due to the amount of public comment received, the Planning Director determined this issue should be heard by the Planning Commission.

Staff recommends final approval of Pas De Calais Subdivision subject to staff and other agency requirements and recommendations based upon its compliance with the Weber County Land Use Code. Staff recommends that a deferral is given for curb, gutter and sidewalk. Staff also recommends the vacation of Lot 1R of Calais Subdivision.

Commissioner Borklund asked who approves the access, and Ben Hatfield stated that the County Commission would approve granting of the easement. As far as the zoning requirement and granting access, that has been approved by staff. Commissioner Borklund asked if it would be perpetually deeded as their access, and Mr. Hatfield indicated that it would be a private lane owned by the property owners. Sean Wilkinson stated that it would be recorded as an easement but the county would retain ownership of the property. There would be a right to access that property granted.

Commissioner Hansen asked if it is common that the county would allow access across their property for private access, and Ben Hatfield replied that the County granted access to U.H.I.D. for their tank at a different location; however, the County would like to look for another location for that access. The applicant is proposing to have an asphalt access. Mr. Hatfield indicated that he believed that the county no longer uses that water tank.

Matt Rasmussen, applicant, indicated that he has spent many years as a carpenter and is a quasi-land developer. He believes this is a garden variety development and he has tried to develop this subdivision with all parties in mind. One lot will be set aside for his daughter who is not of age at this time. On the southwesterly edge he has preserved a 70 ft. green space upon which nothing can be built. The utility companies have agreed to serve him all utilities needed for the single family dwellings. He has given the County between 4-5,000 sq. ft. which will allow them to maintain the integrity of their dyke and the overall retention pond. He is sensitive to his neighbor's concerns and did not want to increase the density and opted rather to have larger parcels. He acquired the property in 1976.

Chair Favero asked the County Engineer to give a clear explanation of the engineering requirements to give an overall picture for the audience. Jared Andersen explained that Mr. Rasmussen asked for access to his property. It was relayed to Mr. Rasmussen that Weber County won't grant access across their property. Mr. Rasmussen indicated that he would build that access in another location approximately 30 ft. outside of the grove of trees. Mr. Rasmussen understands that the pond would have to maintain the same area that exists today to retain the water. The property would need to have a geotechnical report and Mr. Rasmussen would need to follow any geotechnical report recommendations.

Commissioner Borklund would need to ensure that the any new homes built would be safe but it would also have to ensure that safety of the existing homes. Jared Andersen indicated that they could see if the geotechnical report could address existing home safety but usually it is just for the study area involved.

Dr. Carol Browning, 6182 S 2885 E, stated that she is very concerned about the geotechnical issues. In the late 1960's they had a mudslide and it was several feet from her house. They had geologists come and make a report. She would like to look at that report and would like the Planning Commissioners to also consider that report. The geologist stated that the entire upper area was filled with honeycomb springs. She has a video of

the mudslide. She believes it is apparent that the survey done is incorrect. After that survey was done, her husband made an agreement that her neighbor share their water supply. She requests that a private company do a survey and a water report.

Kent Rich, 6068 S 2900 E, presented some photographs and stated that those in their neighborhood purchased their lots with the understanding that they would be on Bybee Pond; however, as a neighborhood they lost that expectation. Regarding the easement, it appears that this is an easement of convenience, not necessity. The developer has other options to access his property that wouldn't rely on the County giving access across their property. The property that is adjacent to that easement shown was bought by the land owner 40 plus years ago. As a land owner the property went to the county and asked if the county would sell him that slice of property, but at that time the county was not inclined to do so to a private owner but told him that he could beautify and maintain that slice of property for the community's benefit. On the County property there is a grove of Oak and Maple trees that is a defining feature of their neighborhood. He recommends that the Planning Commission doesn't grant approval of the easement of convenience across the county land that would benefit one property owner at the expense of the neighboring properties. If approved he would ask that the easement be approved on the north side of the existing retention basin where the existing roadway already exists.

Sean Wilkinson indicated that the Planning Commission's recommendation is a recommendation to the County Commission. Chair Favero stated that the Planning Commission will also not make a decision on the easement; it will be a separate County Commission decision.

O.C. Hope, 5925 Spring Canyon Rd., stated that this property used to be the bottom of the pond. It is the lowest point of the area. He asked the County Engineer what studies were done as to potential flooding or drainage of this property. He indicated that the drawing shown was not accurate. The developer has stated he would build the homes on the east side of the properties but the access would be on the west side of the properties which does not make sense to him. They now have a beautiful green space instead of the pond. He would hate to lose that space. More water would be used due to this development. How will garbage be collected? Dr. Browning brought up the issue of the springs in the neighborhood. He has seen these springs pop up all over the neighborhood. He urged the Planning Commission not to recommend approval of this proposal.

Gary Bursell, 6138 S. 2900 E, concurred with Mr. Hope's comments. He cannot understand why Mr. Rasmussen wants to develop his property and place an access behind his home. He believes Mr. Rasmussen has been reckless in his prior development in the area. Mr. Rasmussen put a 20 ft. berm on the back of Mr. Bursell's property and another neighbor's property. He believes the access needs to be relooked at.

Faith Rich, 6068 S. 2900 E, stated that the property proposed for development was purchased by Mr. Rasmussen knowing that it was landlocked. There are two lots for sale right now. This is a matter of convenience for Mr. Rasmussen not a necessity as there is other property that could be purchased for the access. Approximately 20 years ago the property was built up and another property owner had to put in an underground pipeline going down to eliminate some of the water. She is against this proposal even though she knows Mr. Rasmussen has property rights. If the county approves the easement it would be for one property owner's benefit at the expense of other taxpayers.

John Reeve, 6172 S 2025 E, is the Chairman of Uintah Highland Water and Sewer District. He indicated that the Water District surplussed the water tank property approximately five years ago and it is presently for sale.

George Pappas, 6106 S 2900 E, asked staff where the utilities would run. Ben Hatfield indicated that Mr. Rasmussen is currently working on a location for the utilities. Mr. Pappas stated his concern about further subdividing property after an initial subdivision was recorded.

Ruth Kendricks, 6169 S. 2900 E, stated that granting a right of way across private property is a concern because it is only benefitting one property owner and not other taxpayers. She would be concerned about losing any retention there as she has seen the pond full. There is other property for sale that is a straight shot to his property where the applicant could run utilities.

Ralph Vanderheide, 2873 E 6200 S., indicated that he doesn't believe this has been studied appropriately. He is also concerned about water in the area from the many springs.

Reed Browning, 6182 S. 2125 E., indicated that he has no issues with Mr. Rasmussen. As an Engineer, the dyke behind their property, engineers deemed it unsafe so they drained the pond. There is a clay layer and a fault line that goes directly through the property. When you build a structure on top of something unstable, it changes the dynamics of the geophysics. He believes there have not been enough geotechnical studies done on the property to determine the stability of the hillside. He would like to see the impact across both properties studied before any further approvals are granted.

Commissioner Borklund asked if they should table this issue until they know the location of any access granted.

Matt Rasmussen stated that the largest concern from the residents is the geotechnical report. The dykes and pond was manmade and condemned. The homes built above went through several geotechnical studies. The soil down below has had fill come in. He allowed the fill to come in although it did not benefit him. Any home built there would have to be built on native soils. The County gave approval to access the demolition of the reservoir and a building lot. No building was done, but the access is still there. He just finished a geotechnical report and they found that the soil is good and any building would have to follow the geologist's conclusions. The survey is correct; this will be the third survey done and will ensure everyone that the property corners are correct. He wants to make retain the greenspace for the Rich's. The likelihood of a flood is near impossible. He believes it is a good project that is good for the County.

Commissioner Borklund indicated that he has access on the east side. Mr. Rasmussen indicated that he has looked at that and believes it makes a bad traffic situation. He will have a gate.

John Reeve stated that Mr. Rasmussen came to the Uintah Highlands Water Improvement District to ask for easement across their property and at that time they replied no. They went through the proper channels to get easement there. Mr. Rasmussen is welcome to purchase the property now to obtain the needed access.

**MOTION:** Commissioner Judkins moved to recommend approval of 2.1.a subject to staff and agency comments and the deferral of curb and gutter. Commissioner Andreotti seconded the motion.

**DISCUSSION:** Commissioner Hansen indicated that if the County Commission does not recommend approval of the access and what they do tonight would be invalid. Any approvals tonight would be contingent upon all agency review recommendations. He wonders whether it would be better to have the information before they recommend approval. Commissioner Borklund agreed.

Commissioner Parke indicated that all comments made tonight are all covered under the conditions of approval that have been recommended by the Planning Department. Commissioner Andreotti agreed with Commissioner Parke. Chair Favero indicated that he agrees with Commissioner Parke's comments that the conditions are covered under the conditions of approval.

**AMENDMENT:** Commissioner Hansen indicated that they need to add the vacating of Lot 1R in the motion. Commissioner Andreotti seconded the amendment. The motion carried by a unanimous vote.

b. Election of Chair and Vice Chair for 2014

Commissioner Judkins moved to nominate Commissioner Whaley as Chair for 2014. Commissioner Hansen moved to nominate Commissioner Borklund as Chair for 2014. Commissioner Judkins moved that nominations cease. A vote was taken and Chair Favero declared Commissioner Borklund Chair for 2014 by a 6-1 vote.

Vice Chair

Commissioner Andreotti moved to nominate Commissioner Whaley as Vice Chair. Commissioner Judkins moved that nomination cease. A vote was taken and Chair Favero declared Commissioner Whaley Vice Chair for 2014 by a unanimous vote.

Commissioner Judkins was excused at 6:28 p.m.

c. Communication Policy

Sean Wilkinson indicated that this item will be heard at the next meeting.

2. Public Comment for Items not on the Agenda

O.C. Hope asked that the Planning Commission look at putting a bike path and signage along the road. Commissioner Borklund asked that this issue be passed along to the Weber County Pathways.

4. Remarks from Planning Commissioners

Commissioner Hansen thanked Commissioner Favero for his service as Chair for 2013.

5. Planning Director Report

Director Wilkinson stated that the National APA Conference will be held in April 26-30<sup>th</sup> in Atlanta. Chair Favero declined as well as Commissioner Andreotti. Commissioner Whaley indicated that he has interest in attending if he is able to tie up some family issues by then. Sean Wilkinson indicated that he will work with Commissioner Whaley.

6. Adjourn to a Work Session

The meeting was adjourned to convene a work session.

WS1. Cluster Subdivision Ordinance Discussion

Scott Mendoza gave an overview of the current Cluster Subdivision Ordinance and indicated that after his overview, he would like to have an open discussion with the invited guests participating in the discussion if they choose to.

The current cluster requires that 30% of the overall cluster area be open space and up to a 50% bonus density can be given.

- Commissioner Hansen indicated that he is looking for ideas from others regarding bonus densities.
- Commissioner Borklund expressed her concern that some of the bonus densities are subjective and open to interpretation. She believes that the first bonus density could be done away with because the subdivision should meet the intent of the ordinance in the first place.
- Mel Smith indicated that number one was placed in the ordinance as a basis.
- Phil Hancock indicated that the words "up to" demands that every petitioner will challenge the Planning Commission's decision for more density.
- Deone Smith believes that you need to have pre-determined levels.
- Commissioner Hansen indicated that they want to incentivize the developers to develop in a creative or innovative manner.
- Commissioner Andreotti indicated that the landscaping set the ideal cluster subdivisions in the Ogden Valley apart from other cluster developments.

- Deone Smith indicated that she believes the developers should have a detailed list of what is expected of them when developing.
- Commissioner Favero believed that they need to focus on the general idea of what makes sense for the developer and doesn't create acres and acres of cookie cutter subdivisions.
- Kurt Alder commented that he likes the idea of having variety offered.
- Larry Dailey stated that flexible zoning and varying lot sizes are also attractive features.
- Deone Smith indicated that there are different types of buyers for property in the western part of the county versus the upper valley.
- Mr. Dailey indicated that you would get a nice finished product but the development costs will be higher than traditional subdivisions due to the increased infrastructure.
- Mel Smith indicated that he believes that the 20-acre parcel in Wally's Acre Cluster Subdivision was too small. He believes 25 acres would have worked better.
- Deone Smith indicated that she has found that more buyers are not wanting to participate or purchase property if there is a home owners association. Another option is to create a tax instead of participation in an HOA.
- Mel Smith stated that they do not have a socio-economic base to take care of the open spaces in western Weber County.
- Mr. indicated that West Haven just adopted an Acre Density ordinance. He stated that once a developer sells the lots, they do not have any control of whether the new owner would maintain the landscaping.
- Commissioner Favero indicated that a bonus for xeriscaping would be a good thing.
- Mel Smith indicated that 10% of the lot or homes set aside for Affordable Housing bonus density is a flaw because it would kill a developer's lot sales.

Scott Mendoza presented possible changes that interest the Western Weber County Planning Commission at this point.

- Commissioner Whaley indicated that he expressed interest in requiring a sketch plan versus requiring a preliminary plan a couple of months ago.
- Mr. Dailey indicated that as a developer they would rather be allowed to present a sketch plan early on versus being required to submit a preliminary plan.
- Mel Smith indicated that if lots are sewerred, a developer should be allowed to have smaller lot sizes such as 15,000 sq. ft. lots. Also, agriculture does not work on one acre.
- Commissioner Whaley stated that in looking at the bonus densities, did he review the bonus density list and find what worked and what did not work. Mel Smith indicated that he had the Planning staff help him with the process. He struggled getting the bonus densities to work; however, he received the full bonus densities allowed and was able to get 26 lots on 10 acres.
- Mr. Dailey believed that stub roads are expensive and it is a good tool to receive a bonus density for providing stub roads. A streamlined process would be a good incentive to develop cluster subdivisions. Also, having good transitions are a good idea.
- Phil Hancock stated that everybody wants open space, but nobody wants to pay for it. Even though he is in development, he has always worked on a consultant contractor basis. He believes that they should keep it simple. The bonus densities should be made simple and shortened down. The "up tos" should be eliminated. You increase the ROI by decreasing the time spent in processing subdivisions. Defining what you want will streamline the process and will entice developers.

It was felt that the present ordinance should be tweaked first rather than a complete overall being done.

The meeting was adjourned at 8:13 P.M.

Respectfully Submitted,

Sherri Sillitoe, Secretary,  
Weber County Planning Division





## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on an administrative application, design review approval of the storage building that is more than twice the size of the home.
<b>Agenda Date:</b>	Tuesday, February 11, 2014
<b>Applicant:</b>	Dan Scarbrough, representing Josh Skidmore
<b>File Number:</b>	DR 2013-05

#### Property Information

<b>Approximate Address:</b>	2139 South 4300 West, Taylor
<b>Project Area:</b>	40,216 square feet
<b>Zoning:</b>	Agricultural A-1
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	15-080-0048
<b>Township, Range, Section:</b>	T6N, R2W, Sec 29

#### Staff Information

<b>Report Presenter:</b>	Jim Gentry jgentry@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	SW

### Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5 Agricultural (A-1)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 Supplementary and Qualifying Regulations

### Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

### Background

The applicant is requesting approval of a storage building that is approximately 9700 square feet at 2139 South 4300 West in Taylor. The property is zoned Agricultural A-1 and the lot is 40,216 square feet in size. "The purpose and intent of a design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood."

There is a single family dwelling on the property as well as an accessory building. The new accessory building will tie into the existing accessory building. The building will be used for recreation vehicle storage, personal vehicles, storage, as well as a batting cage. The building will be "L" shaped with the length of the building being 135 feet long by 60 feet and the "L" portion will be 100 feet by 30 feet by 40 feet.

Section 108-7-16, Large accessory buildings (1,000 square feet or larger), number (c) states "Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review." The tax records indicate that the dwelling is 1,026 square feet in area; therefore Planning Commission approval is required.

In Section 108-7-4, Area of accessory building it states "No accessory building or group of accessory buildings in any residential estates zone, cluster subdivision, or PRUD shall cover more than 25 percent of the rear yard." Since this property is zoned Agricultural (A-1), there are no lot coverage standards.

Section 108-7-16, lists the setbacks for large accessory buildings (1,000 square feet or larger) as follows:

(a) Accessory buildings 1,000 square feet or larger in area that accommodates uses meeting zoning requirements shall:

(1) Be located at least six feet from the rear of a dwelling in the residential estates zones and at least ten feet from the rear of a dwelling in the agricultural and forest zones.

(2) Have a side yard setback of at least ten feet on an interior lot and 40 feet on a corner lot where the side property line is adjacent to a street.

(3) Have a maximum height of 25 feet.

Exceptions: The side yard may be reduced to three feet (except in a forest zone) and the height increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.

The proposed large accessory building will be located 10 feet from the rear property line, 21 feet on one side of the property with the other side of the property at 23 feet. The accessory building will be 66 feet from the dwelling, 100 feet from the front property line, and the building height appears to be 25 feet, so the structure meets the setback requirements.

### Summary of Planning Commission Considerations

- Is the project layout and setbacks consistent with applicable requirements of the Weber County Land Use Code?
- Would this project impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood?

### Conformance to the General Plan

This site plan conforms to the General Plan by meeting the outline of permitted land uses of the zone in which it is located, and all of the applicable requirements of the Weber County Land Use Code.

### Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber County Building Inspection Division

### Staff Recommendation

Staff recommends approval of the site plan for large accessory building at 2139 South 4300 West subject to staff and other review agency requirements. This recommendation is based on the project complying with applicable County Ordinances. The Planning Commission may base the approval on the following findings:

- The proposed use is allowed in the A-1 Zone
- All development standards have been met

### Exhibits

- A. Design Review Application with narrative
- B. Site Plans
- C. Two sheets with building elevations
- D. Photos of existing building

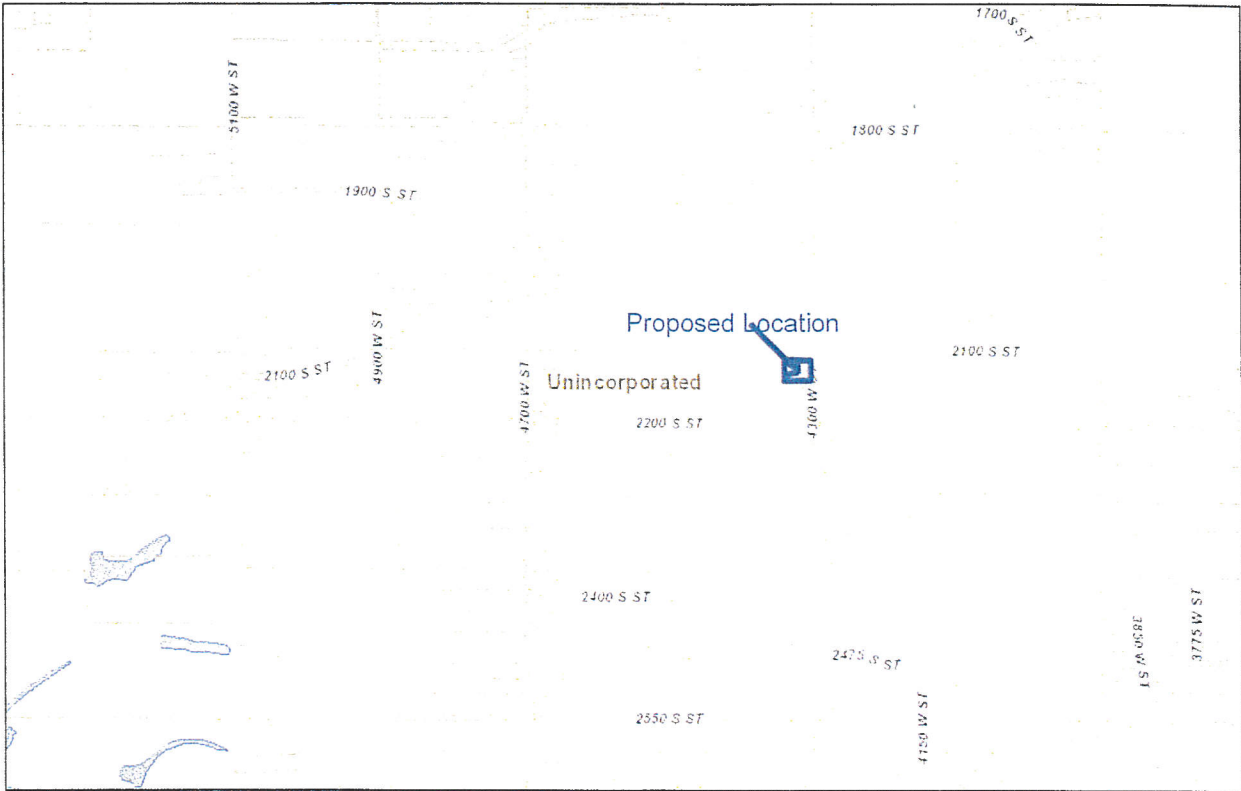
### Map 1

#### Adjacent Land Use

**North:** Agricultural  
**East:** Agricultural

**South:** Church  
**West:** Agricultural

DR-01-2014



January 22, 2014  
Street Labels  
City Labels

# Weber County Design Review Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 1/21/14	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use) DR2014-01
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## Property Owner Contact Information

Name of Property Owner(s) Josh Skidmore		Mailing Address of Property Owner(s) 2139 So. 4300 WEST Taylor, UT 84401	
Phone 801-528-2131	Fax N/A		
Email Address dan@roperbuildings.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Authorized Representative Contact Information

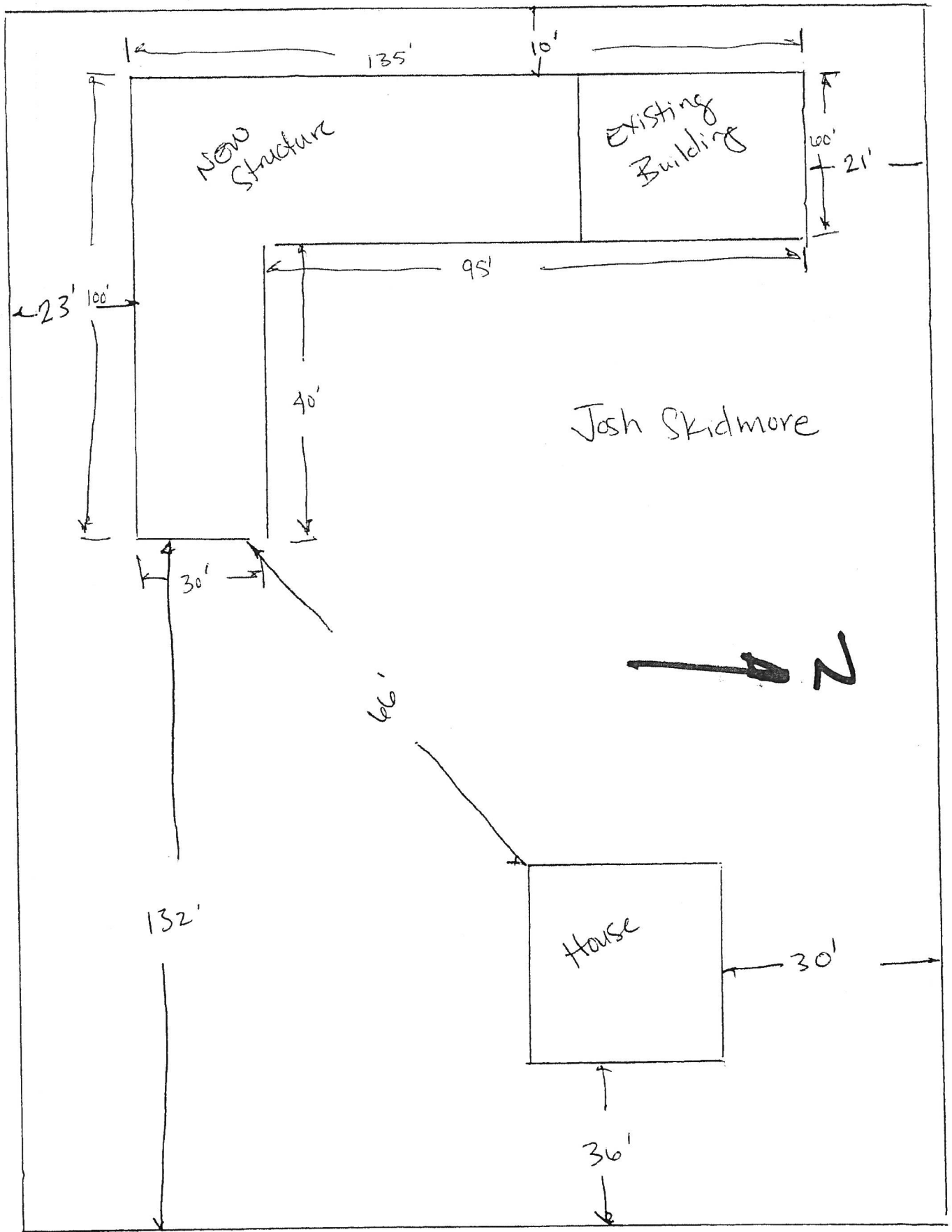
Name of Person Authorized to Represent the Property Owner(s) Dan Scarborough		Mailing Address of Authorized Person PO BOX 315 Willard, UT 84346	
Phone 801-698-3036	Fax 801-315-0090		
Email Address dan@roperbuildings.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Property Information

Project Name Skidmore	Current Zoning
Approximate Address 2139 So. 4300 WEST Taylor, UT 84401	Land Serial Number(s)

Proposed Use Storage
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Project Narrative We will be storing RV's, personal trucks, ATV & UTV's. We are also going to set <del>up</del> a batting cage for my son to practice baseball. We will absolutely <u>NOT</u> be running any kind of a business out of the proposed structures.
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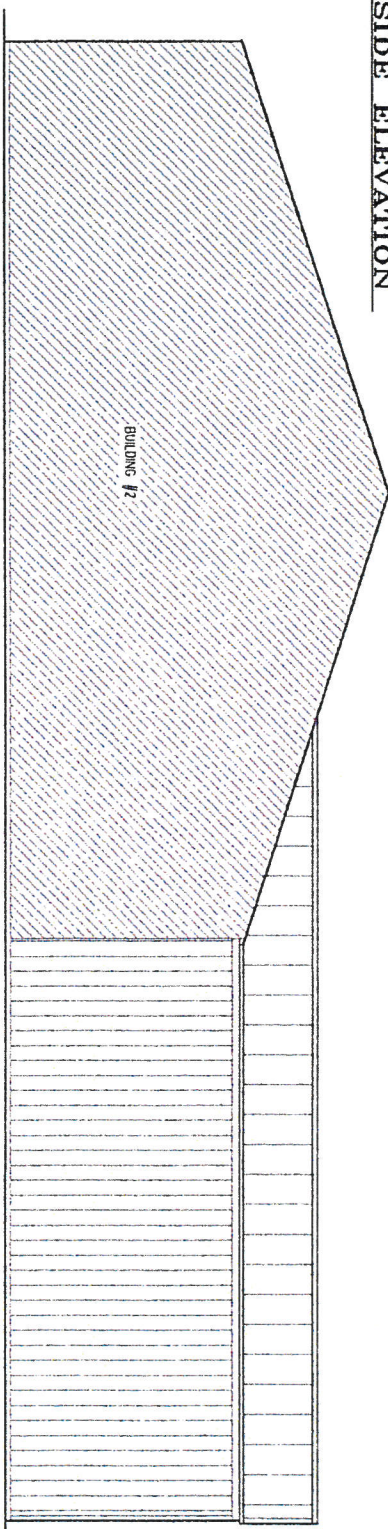


4300 W

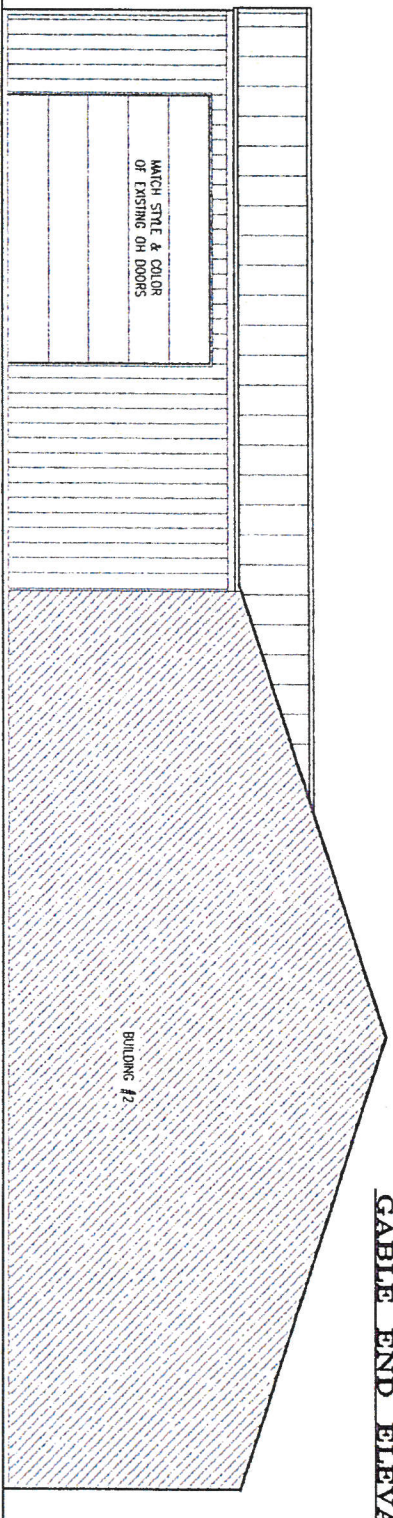
ROAD



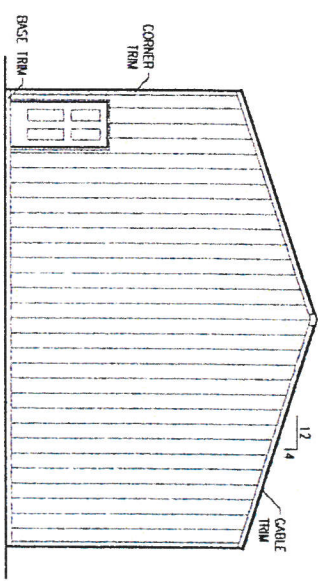
**SIDE ELEVATION**



**SIDE ELEVATION**



**GABLE END ELEVATION**



<p>DATE 11-10-13          SCALE 1/8"=1'-0"          JOB SKIDMORE3          SHEET</p> <p><b>03B</b></p>	<p><b>SKIDMORE3 BUILDING</b>          2138 SOUTH 4300 WEST          TAYLOR, UTAH</p>	<p><b>ROPER BUILDINGS</b>          DAN SCARBROUGH          (801) 540-5588</p>	<p><b>WILDING ENGINEERING</b>          14721 HERITAGE CREST WAY          BLUFFDALE, UTAH          (801) 333-8112</p>
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# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on an administrative application, Design Review approval of the new West Weber Elementary School.

**Agenda Date:** Tuesday, February 11, 2014

**Applicant:** Paul Feser with NV 5 Engineering is representing Weber School District

**File Number:** DR 2013-13

### Property Information

**Approximate Address:** 4178 West 900 South

**Project Area:** 8.2904 Acres

**Zoning:** A-1

**Existing Land Use:** School

**Proposed Land Use:** School

**Parcel ID:** 15-046-0024 & 15-046-0050

### Staff Information

**Report Presenter:** Steve Parkinson  
sparkinson@co.weber.ut.us  
801-399-8768

**Report Reviewer:** SW

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5 Agricultural Zone (A-1)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 Design Review
- Weber County Land Use Code Title 108 (Standards) Chapter 8 Parking
- Weber County Land Use Code Title 110 (Signs) Chapter 1 General Provisions

## Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Background

The applicant is requesting a Design Review approval of a site plan for the West Weber Elementary School located at approximately 4178 West 900 South. The existing 8.29 acre site is in the Agricultural (A-1) Zone. This site currently is functioning as an elementary school. The existing school building is to be removed and the proposed school building is to be built in its stead. The proposed development is looking to demolish the existing school building and construct a new, more modern school.

- **Property:** There are some issues on the overall site.
  - The site is designed on two separate parcels, with the proposed building having a property line running through it. If this was a commercial building the building department would have requirements of a fire wall along the property line, a school should be no different. The easiest way to resolve this concern is to combine the two (2) parcels together.
  - There is a discrepancy between the county records and the proposed site plan on the configuration of the western most parcel and the northern most property line. According to county records, as seen in exhibits A & B, the property line goes further north than the eastern parcel, but within the proposed site plan the western parcel does not even match the eastern parcel on the northern line. The issue is, if this is the School Districts property, then they need to maintain it. If it is not the districts property then they need to create a subdivision combining the two parcels (issue mentioned above) as well as dedicate that portion of the parcel to whomever it belongs too.
- **Architecture and Design:** Staff has provided the elevations and site plan for the proposed school building (Exhibits C & D). Staff has requested a color board, which illustrates the materials and colors but none has been provided.
- **Parking/Access:** Access & circulation for the parking area appears to function well. The parking stalls themselves have issues, as follows:

- Within 108-8-4, public school is not listed therefore the requirements are to be established by the Planning Commission. Within the same section of the ordinance there is a requirement for Educational Institution (Private) with the requirements of: *“Two spaces per three student capacity plus one space per staff member”*. However, it appears that this requirement does not differentiate between Elementary and High Schools. Elementary school students do not drive, thus parking requirements should be based on the number of staff members. One example from Ogden City requires: *“Two (2) stalls per classroom”* for schools grades K-9.
- Under the General Note section of the site plan, it states that 159 parking stalls are provided. However within the site plan there are only 123.
- The proposed parking stalls are too small. According to 108-8-7 (d) (1) – *“Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle for the side lines of the parking space.”* The majority of the parking stalls are 9' X 18' = 162 square feet
- **Lighting:** Nothing was provided to indicate that exterior light fixtures are to be installed at this site. If exterior lights are to be installed, they will need to ensure that light remains on the property and does not flood adjoining properties.
- **Setbacks:** The proposed building appears to meet the minimum setbacks for the A-1 Zone. However, no measurements are provided on the site plan
- **Landscaping:** No landscape plan was submitted; therefore staff has not been able to determine exactly which non-labeled areas will be landscaped.
- **Signs:** The site plan shows two locations for signs; no plans have been submitted for these signs. Signs are allowed for this use; however they will need to meet the requirements found within the sign ordinance (Title 110 – Signs) of the Weber County Code.
- **Other Agencies Review Requirements:** There are still some unresolved issues from a couple of other agencies.
  - Weber Fire District – had a few concerns that all fire hydrants be in working order throughout the construction as well as having access to the property throughout the construction. Since this is a school, it also needs approval from the Utah State Fire Marshall Office.
  - Weber County Engineering – has several issues regarding the construction of the site, i.e. storm drain, right-of-way, and Storm Water Pollution Prevention Plan (SWPPP).

### Summary of Planning Commission Considerations

- Is the proposed site layout and building design consistent with applicable requirements of the Weber County Land Use Code?

### Conformance to the General Plan

This site plan can conform to the General Plan by meeting the outline of permitted land uses of the zone in which it is located, and all of the applicable requirements of the Weber County Land Use Code.

### Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber County Planning Division
- Construction must follow the approved site plan exactly
- Staff will inspect the site to ensure compliance with approvals prior to the issuance of occupancy permits

### Staff Recommendation

Staff recommends approval of the site plan for the West Weber Elementary School subject to staff and other agency review requirements. This recommendation is based on the project being in compliance with applicable County Ordinances and subject to the conditions listed in this report. The Planning Commission may base the approval on the following findings:

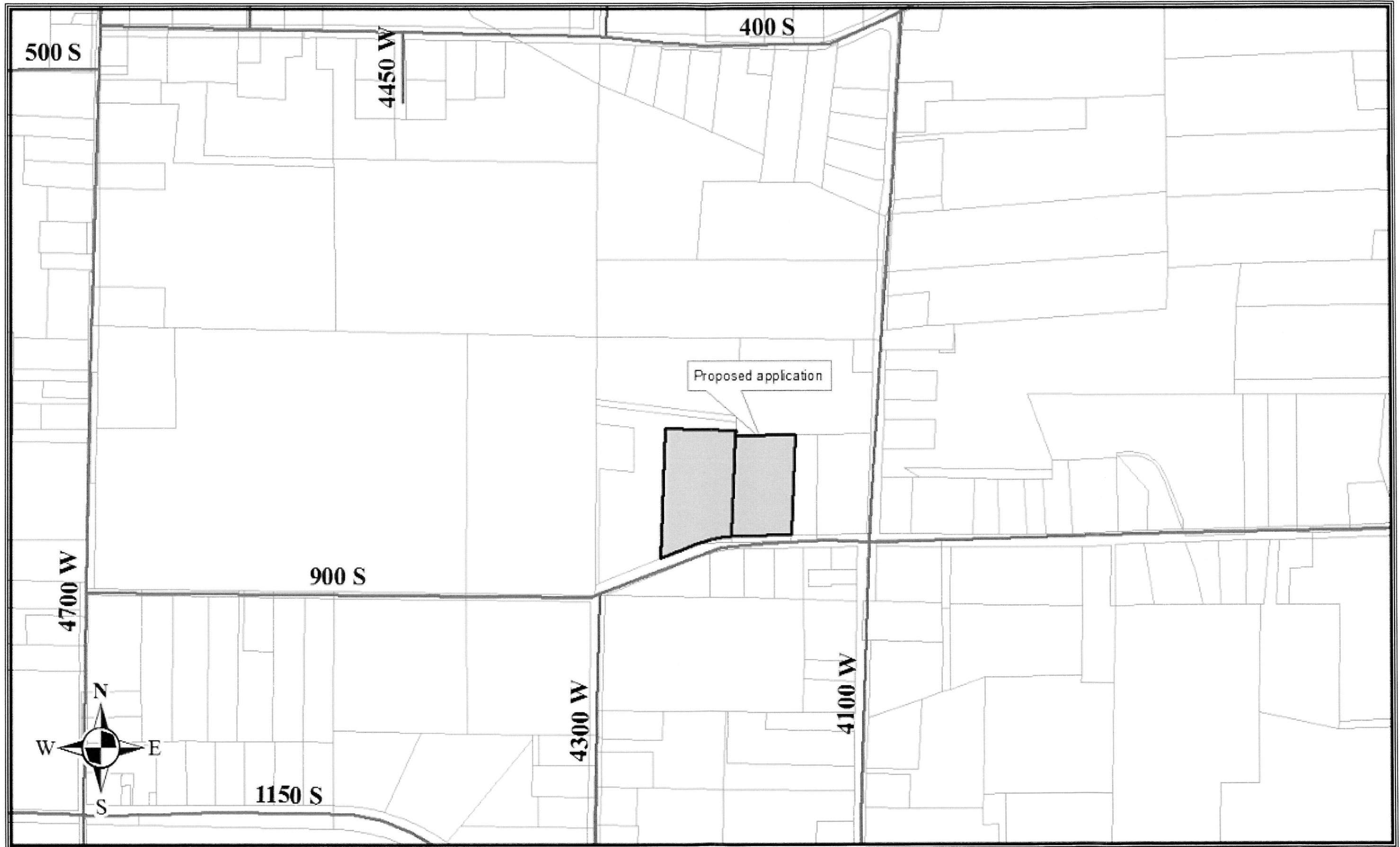
- The proposed use for this site is allowed in the A-1 Zone and can meet the appropriate site development standards.
- The proposed development provides buildings that meet the requirements and can provide sufficient parking for the proposed use.

### Adjacent Land Use

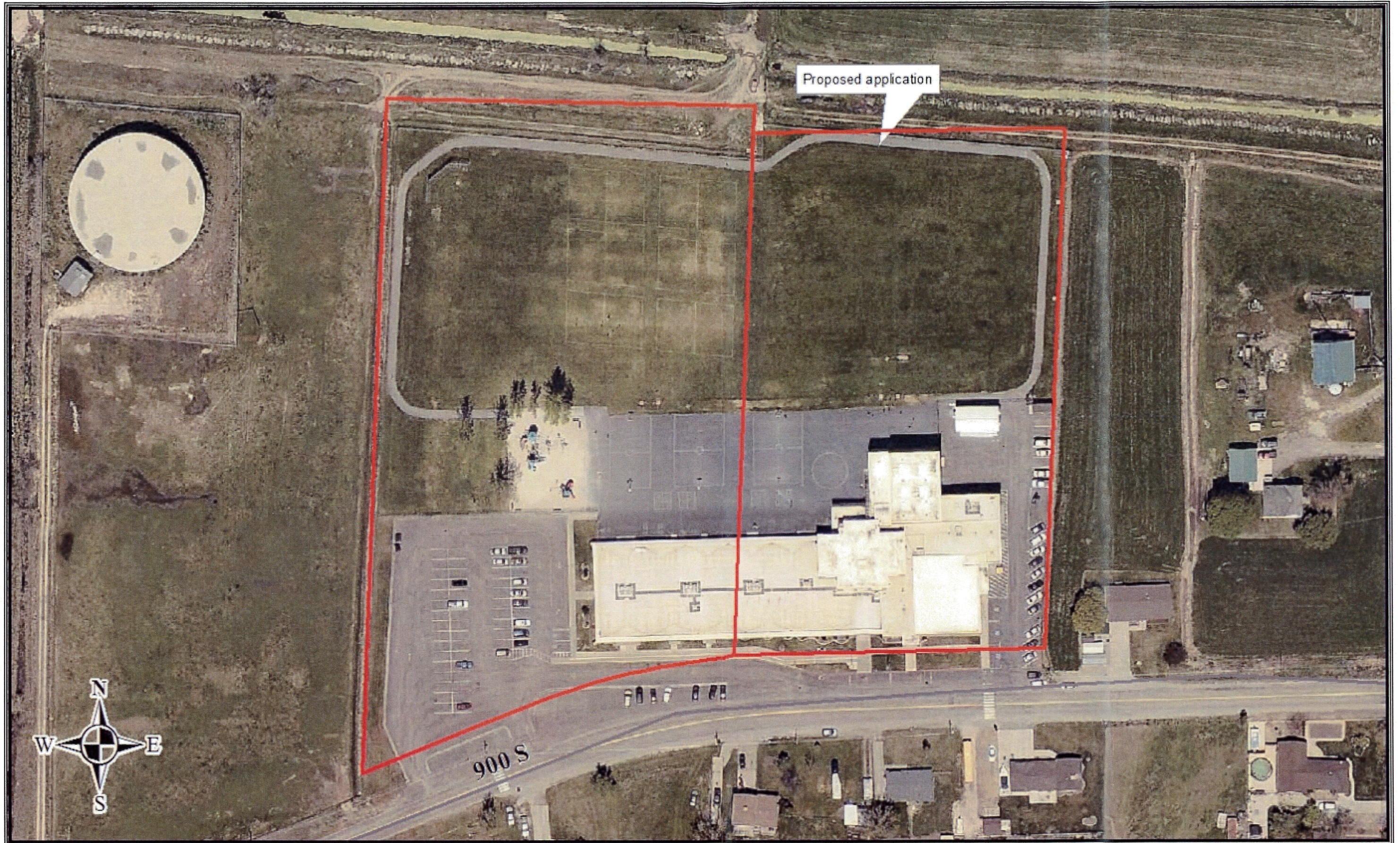
<b>North:</b>	Agricultural	<b>South:</b>	Agricultural/Residential
<b>East:</b>	Agricultural/Residential	<b>West:</b>	Agricultural

### Exhibits

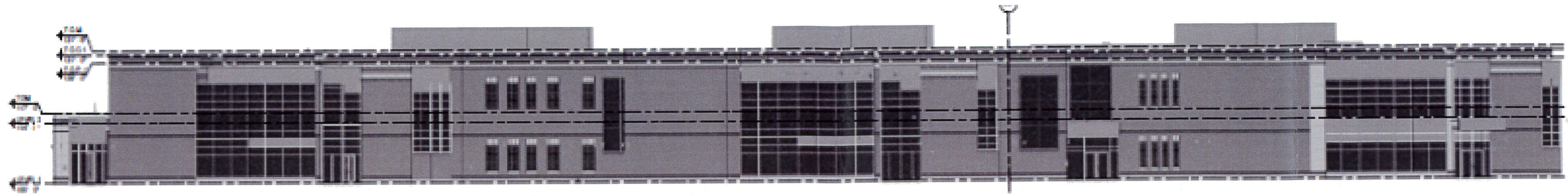
- |                         |               |
|-------------------------|---------------|
| A. Site Location Map    | B. Aerial Map |
| C. Architectural Design | D. Site Plan  |



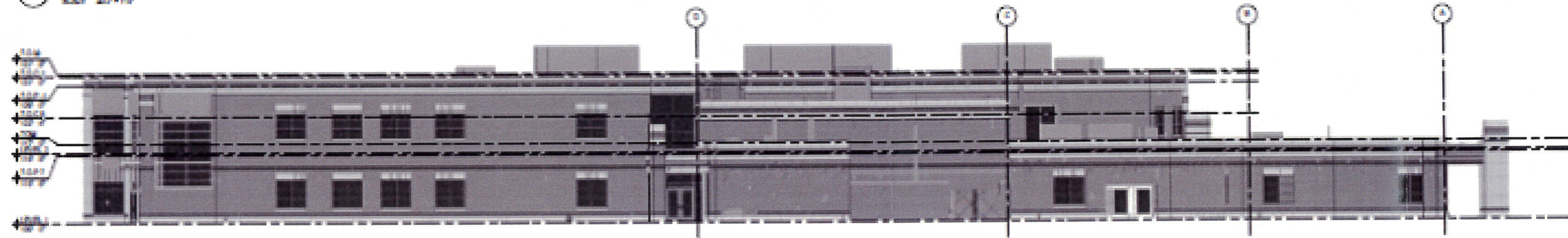




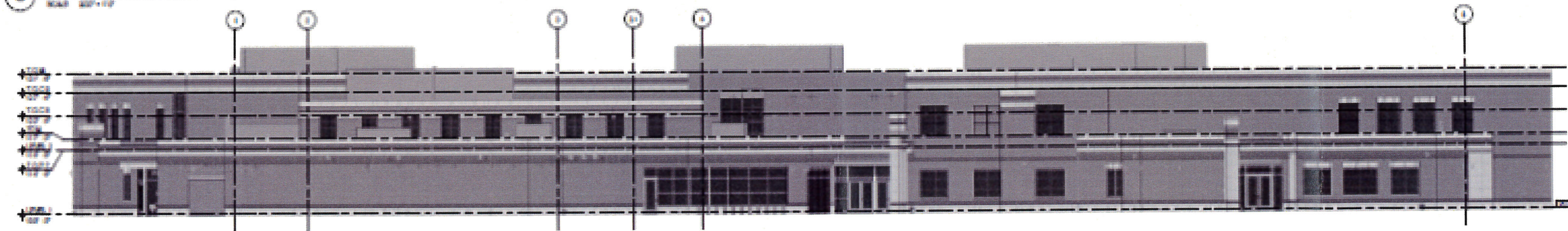




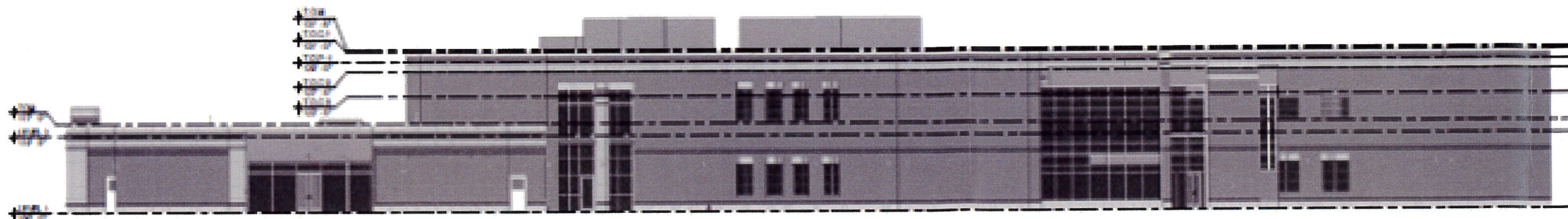
1 OVERALL NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



2 OVERALL WEST ELEVATION  
SCALE: 1/8" = 1'-0"

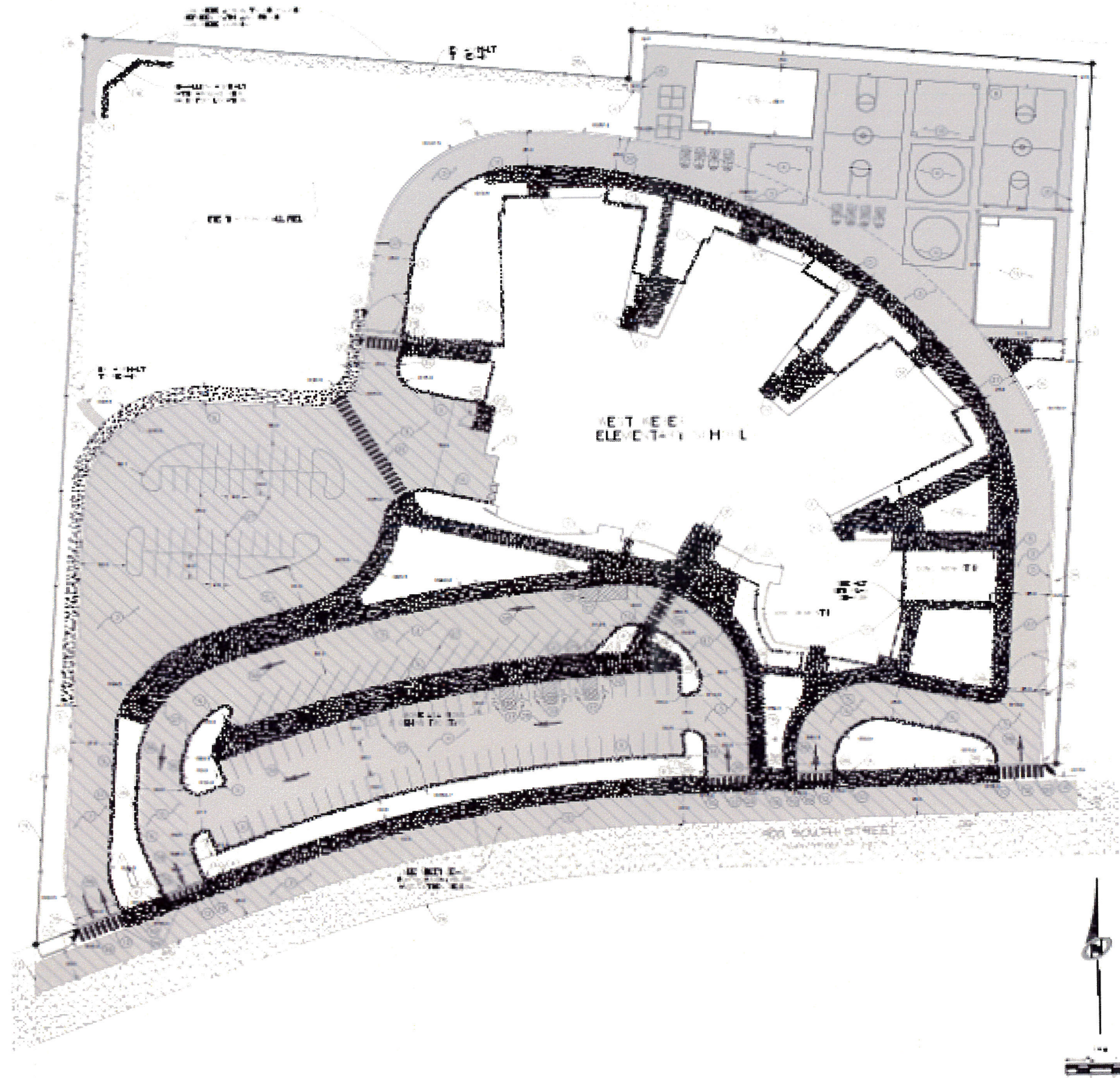


3 OVERALL SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



4 OVERALL EAST ELEVATION  
SCALE: 1/8" = 1'-0"









# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Discussion and action on amendments to the Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review) Title 101 (General Provisions) Section 101-7-7 (Definitions) Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 106-1-8 Final Plat Requirements and Approval Procedure.

**Agenda Date:** Tuesday, February 11, 2014

**Applicant:** Staff

**File Number:** ZTA 2013-01

### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

### Staff Information

**Report Presenter:** Jim Gentry  
swilkinson@co.weber.ut.us  
(801) 399-8767

**Report Reviewer:** SW

## Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provision) Section 101-7-7 (Definition)
- Weber County Land Use Code Title 106 (Subdivisions) Chapter 1 (General Provisions)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review)

## Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

## Background

Staff is proposing to amend the Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review). The changes are as follow:

Sec. 108-1-2, Application, and review (b) is to only require a PDF file. With Miradi PDF's are easily imported in the system for other agencies to review or make copies.

Sec. 108-1-4, Considerations in review of applications, 5 is language clarification.

Sec. 108-1-4, Considerations in review of applications, 6 (c) is language clarification.

Sec. 108-1-7, Agreement for improvements, is adding a provision allowing the County Engineer to approve financial guarantee of \$25,000 or less.

Sec. 108-1-11, Modification, clarify the modifications to a Design Review application that the Planning Director can approve.

The other changes proposed in this ordinance make the definition for financial guarantees consistent with the rest of the ordinance and increase the amount of a financial guarantee that can be approved by the County Engineer.

The definition for financial guarantees changed at the time when banks were failing and the FDIC chose not to honor the outstanding financial guarantees. The new definition reflects that policy change.

The second change to the definition section and the section 3 is to allow the County Engineer to approve escrow amounts of up to \$25,000. Staff has worked with the current limit of \$10,000 for several years. This process of allowing the County Engineer to sign off on escrows has worked well and the increase will allow for more flexibility with developers and stream line planning processes.

**Section 2: Title 101 General Provisions Section 101-1-7, Definitions** is hereby amended:

~~*Financial guarantee.* The term "financial guarantee" means in lieu of actual installations of the improvements required by the Land Use Code, a letter of credit or an escrow certificate from a state lending institution, or a corresponding lending institution in an amount equal to the future cost (plus ten percent contingency) of the installation of the improvements, as determined by the county engineer and/or planning director, and approved by the county attorney, to assure the installation of such improvements within a period of two years or less as determined and approved by the county commissioners. Corresponding lending institution is a financial institute that has branches located in the state.~~

Financial Guarantee: In lieu of actual installations of the improvements required by the Weber County Land Use Code, the applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow in an amount equal to the future cost (plus 10% contingency) of the installation of the improvements, as determined by the County Engineer and/or Planning Director, and approved by the County Attorney (unless the amount is less than \$25,000), to assure the installation of such improvements within a period of time.

"Small Subdivision":

- a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned, or
- b. An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned; or
- c. A subdivision phase consisting of five (5) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee, unless under ~~\$10,000~~ \$25,000.

**Section 3: Title 106 Subdivisions CHAPTER 1, General Provisions Section 106-1-8, Final plat requirements, and approval procedure** is hereby amended:

(D) Approval of Final Plat.

1. After final approval, the Planning Division shall submit the plat for signatures to the County Surveyor, County Health Department, and County Engineer.

After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under ~~\$10,000~~ \$25,000. Financial guarantees can be granted a time extension by the County Engineer and or the Planning Director if the change in the financial guarantee is less than ~~\$10,000~~ \$25,000 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the County Recorder at the expense of the applicant.

## **Summary of Planning Commission Considerations**

The Planning Commission should consider the following questions in making a recommendation to the County Commission:

- Do the changes that have been made make sense?
- Have any changes been left out that you feel should be addressed at this time?
- Are there changes that have been made that you disagree with?

## **Conformance to the General Plan**

Not Applicable

## **Conditions of Approval**

Not Applicable

## **Staff Recommendation**

Staff recommends that the Planning Commission consider the proposed changes to Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review) Title 101 (General Provision) Section 101-7-7 (Definition) Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 106-1-8 Final Plat Requirements and Approval Procedure and as these changes will make ordinances consistent and allow more flexibility with developers and stream line planning processes.

## **Exhibits**

- A. Staffs draft proposal

**Section 1: Title 108 Standards Chapter 1 Design Review is hereby amended:**

Sec. 108-1-1. Purpose.

Sec. 108-1-2. Application and review.

Sec. 108-1-3. Exceptions.

Sec. 108-1-4. Considerations in review of applications.

Sec. 108-1-5. Conditions.

Sec. 108-1-6. Planning commission approval.

Sec. 108-1-7. Agreement for improvements.

Sec. 108-1-8. Time limitations on approval.

Sec. 108-1-9. Transfer of approval upon change in use.

Sec. 108-1-10. Conformance to approval.

Sec. 108-1-11. Modification.

**Sec. 108-1-1. Purpose.**

- (a) The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.
- (b) It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by the Ogden Valley Architectural and Landscape chapter.

**Sec. 108-1-2. Application and review.**

- (a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the planning commission with the exception that small buildings or addition with a total footprint of less than 10,000 square feet and a ~~project~~ impact an area of less than one acre shall ~~may~~ be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.
- (b) All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF ~~DWF and JPEG~~ files of the respective plans.

**Sec. 108-1-3. Exceptions.**

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met.



Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4.

Sec. 108-1-4. Considerations in review of applications.

The planning commission and/or the planning director shall consider the following matters and others when applicable, in their review of applications and where the plan is found deficient, the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

- (1) *Considerations relating to traffic safety and traffic congestion.*
  - a. The effect of the development on traffic conditions on abutting streets.
  - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
  - c. The arrangement and adequacy of off street parking facilities to prevent traffic congestion.
  - d. The location; arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.
  - e. The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.
  - f. The surfacing and lighting of off street parking facilities.
- (2) *Considerations relating to outdoor advertising.* The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.
- (3) *Considerations relating to landscaping.*
  - a. The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - b. The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in subsection (3)g of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.
  - c. A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required by the Ogden Valley Architectural and Landscape chapter.
  - d. The number and type of mature and planted size of all landscape plantings.
  - e. The method of irrigation and approximate location of the water meter, point of connection, sprinkler and/or drip irrigation heads, and any blow-out or winterizing system. Water conserving methods, such as bubblers and drip systems and electronic timer devices are encouraged.
  - f. The location, type, and size of any existing trees over four-inch caliper that are to be removed.
  - g. Landscape standards. Plant sizes at the time of installations shall be as follows:
    1. Deciduous trees shall have a minimum trunk size of two inches caliper.
    2. Evergreen trees shall have a minimum height of six feet as measured from top of root ball.

3. All woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.
  4. Vines shall be five-gallon minimum size.
  5. Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one growing season. Turf areas, where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30 percent shall be planted with sod or other deep-rooting, water conserving plants for erosion control and soil conservation.
  6. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.
  7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
  8. Water conserving landscaping methods and materials are recommended and encouraged.
- h. Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.
  - i. The owner of the premises shall be responsible for the maintenance, repair, and replacement, within 30 days of removal, of all landscaping materials on the site. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.
- (4) *Considerations relating to buildings and site layout.*
- a. Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.
  - b. Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements or structures on the parcel.
- (5) *Considerations relating to utility easements, drainage, and other engineering questions.*  
 The Provision within the development shall provide for adequacy adequate of storm water and surface water drainage, and retention facilities, and for utilities to and through the property.
- (6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.*
- a. Does any proposed phase or phasing sequence of an approved concept or preliminary development plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?
  - b. Is this plan or phase thereof a more detailed refinement of the approved concept plan?
  - c. Are any modifications of a ~~major~~ significant nature that first need to follow the procedure for amending the approved concept plan?

Sec. 108-1-5. Conditions.

Design approval may include such other conditions consistent with the considerations of this, and/or any other chapter of the Weber County Land Use Code, as the commission or planning director deem reasonable and necessary under the circumstances to carry out the intent of the Land Use Code.

Sec. 108-1-6. Planning commission approval.

The planning commission, or the planning director, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the planning director may be appealed to the planning commission, and denial by the planning commission may be appealed to the county commission.

Sec. 108-1-7. Agreement for improvements.

Upon the grant of design approval, the developer shall enter into an Agreement with the County detailing the public and private improvements to be constructed on and off site and acknowledging his responsibility for such installation within the time period allowed. Financial guarantees for completing improvements shall be deposit into an escrow account with the Weber County Engineering Division ~~be filed with the County~~ when and where so required. Financial guarantee of \$25,000 or less may be approved by the County Engineer. Occupancy shall not occur until all improvements have either been installed or guaranteed ~~for future installation.~~

Sec. 108-1-8. Time limitations on approval.

If construction of any development for which design approval has been granted, has not been commenced within 18 months from date of design review approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the planning commission.

Sec. 108-1-9. Transfer of approval upon change in use.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the planning commission. The planning director may authorize the transfer of design approval provided that all requirements of the Weber County Land Use Code are met for the new use. If a conflict arises concerning the interpretation of the zoning Land Use Code ordinance, the planning director shall refer the change in use to the planning commission for review and approval.

Sec. 108-1-10. Conformance to approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

Sec. 108-1-11. Modification.

Upon request of the applicant, modifications in the approved plan may be made by the Planning Commission or the Planning Director. ~~if authorized to do so, if it is found that the modification will meet requirements of this chapter and any other applicable chapter of the Land Use Code.~~

De minimis Revisions: The planning director may approve revisions to an approved Design Review Plan that he/she determines are de minimis. Proposed revisions shall be considered de



minimis if the Planning Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the written decision of the Planning Commission. Revisions that are de minimis shall not require public notice.

The planning commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

**Section 2: Title 101 General Provisions Section 101-1-7, Definitions is hereby amended:**

*Financial guarantee.* The term "financial guarantee" means in lieu of actual installations of the improvements required by the Land Use Code, a letter of credit or an escrow certificate from a state lending institution, or a corresponding lending institution in an amount equal to the future cost (plus ten percent contingency) of the installation of the improvements, as determined by the county engineer and/or planning director, and approved by the county attorney, to assure the installation of such improvements within a period of two years or less as determined and approved by the county commissioners. Corresponding lending institution is a financial institute that has branches located in the state.

Financial Guarantee: In lieu of actual installations of the improvements required by the Weber County Land Use Code, the applicant shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow in an amount equal to the future cost (plus 10% contingency) of the installation of the improvements, as determined by the County Engineer and/or Planning Director, and approved by the County Attorney, to assure the installation of such improvements within a period of time.

"Small Subdivision":

- a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned, or
- b. An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned; or
- c. A subdivision phase consisting of five (5) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee, unless under ~~\$10,000~~ \$25,000.

**Section 3: Title 106 Subdivisions CHAPTER 1, General Provisions Section 106-1-8, Final plat requirements, and approval procedure is hereby amended:**

(D) Approval of Final Plat.

1. After final approval, the Planning Division shall submit the plat for signatures to the County Surveyor, County Health Department, and County Engineer.

After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under ~~\$10,000~~ \$25,000. Financial guarantees can be granted a time extension by the County Engineer and or the Planning Director if the change in the financial guarantee is less than ~~\$10,000~~ \$25,000 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the County Recorder at the expense of the applicant.



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a proposal to amend, Title 104 (Zones) Chapter 5 (Agricultural-1), Section 7 (Site Development Standards), of the Weber County Land Use Code by reducing the minimum separation (setback) standard in between a main building and an accessory structure.

**Agenda Date:** Tuesday, February 11, 2014

**Applicant:** Weber County Planning Division

**File Number:** ZTA 2014-01

### Property Information

**Approximate Address:** Not Applicable

**Project Area:** Not Applicable

**Zoning:** Not Applicable

**Existing Land Use:** Not Applicable

**Proposed Land Use:** Not Applicable

**Parcel ID:** Not Applicable

**Township, Range, Section:** Not Applicable

### Adjacent Land Use

**North:** Not Applicable                      **South:** Not Applicable

**East:** Not Applicable                      **West:** Not Applicable

### Staff Information

**Report Presenter:** Scott Mendoza  
smendoza@co.weber.ut.us  
801-399-8769

**Report Reviewer:** JG

## Applicable Codes

- Weber County Land Use Code; Title 104 (Zones) Chapter 5 (Agricultural-1) Section 7 (Site Development Standards).

## Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. When making a recommendation, on a legislative matter, the Commission will typically consider a proposal's compatibility with the general plan and existing codes.

## Background

The Weber County Planning Division is proposing an amendment to, Title 104 (Zones) Chapter 5 (Agricultural-1) Section 7 (Site Development Standards), of the Weber County Land Use Code by reducing the minimum separation (setback) standard in between a main building and an accessory structure.

The Agricultural-1 (A-1) Zone requires a lot area of 40,000 square feet, a minimum lot width of 150 feet, and a variety of setbacks depending on what type of structure is being built. For an accessory structure, the A-1 Zone currently requires a minimum separation of ten feet in between the rear facing wall of a main structure and the front facing wall of an accessory structure. This separation standard is only applied when a landowner chooses to site an accessory building in a yard area that is less than ten feet from a side lot line. For example, a landowner may site an accessory structure as close as 1 foot to a side lot line if the accessory structure is placed at least 10 feet behind the rear facing wall of the main building. If a landowner prefers to site an accessory structure closer than 10 feet to the rear facing wall of the main building (or to the side of the main building or in front of the main building) the accessory structure is required to be at least 10 feet from any

side lot line. Generally, accessory structures have a 1 foot rear yard setback (10 foot otherwise if the subject lot is a corner lot rearing on the side yard of an adjacent lot) and all structures are required to be sited at least 30 feet from a front lot line.

This proposed amendment would change the current separation standard from 10 feet to 6 feet in the A-1 Zone. This change would make the separation standard consistent with the County’s existing Agricultural-2 (A-2), Agricultural-3 (A-3), Agricultural Valley-3 (AV-3), Residential Estates (RE-15 and RE-20), and Single-Family Residential (R-1-10, R-1-12) Zones.

**Summary of Planning Commission Considerations**

- The Planning Commission may consider the benefits of having an accessory structure separation standard that is consistent throughout the County.

**Conformance to the General Plan**

Not Applicable

**Conditions of Approval**

Not Applicable

**Staff Recommendation**

Staff recommends approval of the proposed amendment to the Agricultural-1 (A-1) Zone.

**Exhibits**

A. Existing Agricultural-1 (A-1) Zone Development Standard Table as shown below:

	Permitted and Conditional Uses	Permitted Uses Requiring 2 and 5 Acre Minimums
Minimum Lot Area	40,000 square feet	2 acres – 5 acres
Minimum Lot Width	150 feet	150 feet
Minimum Yard Setbacks		
Front	30 feet	30 feet
Side		
Dwelling	10 feet with total width of 2 side yards not less than 24 feet.	
Other Main Dwelling	20ft. each side	20ft. each side
Accessory Building	10 feet; except 1 foot if located at least 10 feet in rear of main building.	
Accessory Buildings Over 1,000 sqft. For Storage of Personal Equipment and Materials.	See Section 108-7-16.	
Side Facing Street on a Corner Lot.	20 feet	20 feet
Rear		
Main Building	30 feet	30 feet
Accessory Building	1 foot; except 10 feet where accessory building on a corner lot rears on a side yard of an adjacent lot.	
Main Building Height		
Minimum	1 story	1 story
Maximum	35 feet	35 feet
Accessory Building Height	25 feet unless meeting requirements of Section 108-7-16, Large accessory buildings.	





## Weber County Planning Division

Date: February 4, 2014  
To: Western Weber Planning Commission  
From: Sean Wilkinson *SW*  
Planning Director  
Subject: 2014 Planning Division Work Program

### 2014 Planning Division Work Program

The 2014 Planning Division work program builds on significant progress made in 2013 on several projects, code amendments, general plan updates, and other items. The work program is a sampling of the major projects that are anticipated to be completed in the coming year, though not every project is listed. The work program is always subject to change based on staff work loads, unanticipated submittals, County Commission direction, or other issues that may arise.

The work program does not show the large amount of current planning work that takes place on a daily basis and takes up a significant amount of staff time. Long range projects are often set aside in order to meet deadlines with current planning projects. With the addition of two new planners in 2014 we hope to complete the work program, stay ahead of the current planning projects, and further streamline our processes to make the Planning Division more efficient and effective.



	2008	2009	2010	2011	2012	2013
<b>APPLICATIONS</b>						
Conditional Use	20	22	25	7	14	25
Commercial Site Plans	0	2 *	0	0	0	0
Manufacturing Site Plans	3	3 *	0	0	0	0
Design Reviews	5	2	9	16	14	12
Board of Adjustment	11	8	8	10 **	2	8
Hillside Review	1	2	3	1	0	2
Zoning Petitions	10	14	17	5	7	11
<b>LAND USE PERMITS</b>						
Dwellings and other structures	210	156	162	155	196	221
<b>SUBDIVISIONS</b>						
Applications	36	33	16	8	12	37
Lots	153	43	42	12	19	248
<b>STREET VACATIONS</b>	0	0	0	0	0	1
<b>ROAD DEDICATIONS</b>	0	0	0	0	1	1
<b>BOUNDARY COMMISSION</b>	0	0	0	0	0	0
<b>EASEMENT VACATIONS</b>	1	0	0	0	1	2
<b>REBUILD/NON-REBUILD LETTERS</b>		66	31	20	14	25
<b>CODE ENFORCEMENT CASES</b>						
Complaints	385	210	187	142	200	187
Complaints Resolved	270	198	168	131	184	147
New Business License Inspections	126	64	78	79	79	85
Special Events	9	16	23	30	39	39

\* During this year they were combined

\*\* Special exceptions were removed from the Board of Adjustment





## Weber County Planning Division

Date: February 4, 2014  
To: Western Weber Planning Commission  
From: Sean Wilkinson *SW*  
Planning Director  
Subject: 2013 Western Weber County General Plan Implementation Update

### 2013 General Plan Implementation Update

The Ogden Valley General Plan was adopted in 1998 and the Recreation Element of the General Plan was adopted in 2005. The West Central Weber County General Plan was adopted in 2003. The general plan is a combination of goals, objectives, and policies that guide land use planning and zoning within the county for the present and the future. The General Plan provides for compatibility and continuity within the unincorporated county and within individual neighborhoods. Once policy direction is established, ordinances are then created to implement the policies. This is the yearly update on the progress of implementing the key issues identified in the General Plan. Attached is the summary of updates that have taken place in 2013 to implement the General Plans for the Ogden Valley and Western Weber County.

In 2013, the following plans, projects, new and modified ordinances, and significant special projects were adopted, thus furthering the goals and objectives of the two General Plans:

- The Land Use Code was adopted and placed on the Weber County Planning Division web page.
- The Moderate Income Housing Plan was adopted as an element of the General Plan.
- The front and rear yard setbacks in the Residential R-1-10 Zone were amended.
- The standards for Flag Lots, Private Rights-of-Way, and Access Easements were amended to be consistent with fire codes and engineering standards.

Significant work has been done in plan implementation on the following projects Staff is anticipating the completion and adoption of these projects by the County Commission in 2014:

- Proposed amendments to the Cluster Subdivision standards
- Chapter 2 of the Subdivision Code
- Land Use Surveys for the Ogden Valley and Western Weber County



## Weber County Planning Division

Date: December 6, 2013  
To: Ogden Valley Planning Commission  
From: Robert O. Scott, AICP  
Planning Director  
Subject: Contact Information Policy

At the December 3, 2013 Ogden Valley Planning Commission (OVPC) meeting a proposal to establish a policy on whether or not planning commissioner names should be put on the Planning Division website was held. The proposed language is: "Commission members may choose to have their contact information available on the Weber County Planning Division website."

I have reviewed this language with our legal counsel, Chris Allred and we agree that this proposal is a policy decision and not something that should be included with the OVPC Rules of Order. That, being said this is a decision for the OVPC to make.

In 2008 the OVPC entertained a similar discussion. Below are the minutes from that discussion:

### **September 23, 2008** **Planning Director's Report**

#### 4.1. Ex parte Communication

Sean Wilkinson said Robert Scott was ill and asked him to present this item. Mr. Scott replied to an E-mail regarding a request to add the Planning Commissioners names and contact information to the website as follows: *"I have checked with County legal staff and found that the County does not have a policy regarding whether to place board member names on the County web pages. Your stated purpose to have these names is to make contact with them regarding agenda items. The appropriate time and place to contact commissioners is at the official meeting with communications are on record. Contacts outside of a regular meeting are ex parte contacts. Ex parte contacts are required to be divulged in public and further may have the effect that a member not being able to vote on an item. It would be inappropriate in my opinion to have these names on the web unless the County Commission determines otherwise."*

The Planning Commission is appointed by the County Commission. The County Commission is the body that was voted upon and represents the County. Ex parte communication is strongly discouraged and if it does happen, it should be revealed in a Planning Commission meeting. If ex parte communication occurs regarding a particular project, it needs to be revealed prior to each agenda item discussion. Depending what the Planning Commissioner says, it could prevent them from voting on a particular item.

Chris Allred said from the Planning Commission Rules of Procedure and Ethical Conduct it states: that "Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all..." "Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Planning Commissioner whether by mail, telephone, or other communication should be made part of the public record." Mr. Allred said this policy keeps the integrity of the process and prevents the members from being lobbied individually and the information is given to all members.

Commissioner Graves said at their last meeting Snowbasin lobbied them to look at their new plan, and Robert Scott discouraged him. He received two E-mails since that meeting from Snowbasin asking if he could meet with them, but he declined to meet with them as an individual member.

Steve Clarke said his understanding is that everyone could send an E-mail to all PC members and also one to staff for the public record. Chair Cooper said Legal Counsel said it would be better to send the information through staff or the Planning Commission's website. Sherri Sillitoe said she forwards the E-mails to the members when they are received and staff also places a copy of the letter in the meeting packet.



Commissioner Rounkles indicated his appreciation for Mr. Clarke's input on the issues before them.

Chris Allred said they are trying to protect the Planning Commission from being bipartisan. He advised the members to use good judgment in regard to talking to the press as well.

There are several options for the OVPC to consider:

1. Put contact information on the website including contact information.
2. Put names only on the website, e.g., Sun Valley and Haley, Idaho have the names, identify officers, and appointment terms.
3. Do not put any information on the website.

Recommendation: Irrespective of which option is chosen, staff recommends that if either option 1 or 2 are chosen then it should be all names listed. This is a policy decision; staff recommends either option 2 or 3.