



WESTERN WEBER COUNTY TOWNSHIP PLANNING COMMISSION

PLANNING MEETING AGENDA

February 8, 2011

5:00 P.M.

Pledge of Allegiance

Roll Call:

1. **Minutes:** Approval of the January 11, 2011 meeting minutes

2. **Petitions, Applications and Public Hearings:**
New Business:
 - 2.1. **Meeting Schedule:** Consideration and action to approve meeting date change from April 12 to April 19 due to the APA Conference scheduled for that week.

3. **Public Comments:**
4. **Planning Commissioner's Remarks:**
5. **Staff Communications:**
 - 5.1. **Planning Director's Report:**
 - 5.2. **Legal Counsel's Remarks:**

Adjourn: Adjourn for a Work Session

6. Work Session Agenda Items:

- 6.1. **Update** Chapter 22B - Cluster Subdivision Ordinance

 - 6.2. **Information** 2011 Work Program
7. **Adjournment**

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session may be held in the Breakout Room.



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Minutes of the Western Weber County Planning Commission Regular and Work Session held January 11, 2011 in the Weber County Commission Chambers and Room 108, 2380 Washington Blvd., commencing at 5:00 p.m.

Present: John Parke, Chair; Doug Hansen; Wayne Andreotti; Brenda Meibos; Jannette Borklund; Bruce Ferre; Andrew Favero

Staff Present: Rob Scott, Planning Director; Jim Gentry, Asst Planning Director; Justin Morris, Planner; Ben Hatfield, Planner; Chris Allred, Legal Council; Kary Serrano, Secretary; Curtis Christensen, Engineer

Pledge of Allegiance

Roll Call:

Chair Parke welcomed Commissioner Favero to the meeting.

1. Minutes: Approval of the December 14, 2010 meeting minutes

MOTION: Chair Parke declared the December 14, 2010 meeting minutes approved.

Commissioner Hansen declared a conflict of interest on two of the consent agenda items. Rob Scott suggested reviewing the two consent items 2.1 and 2.4 that Commissioner Hansen did not have an issue with and then have him recused for the other two.

Chair Parke inquired if there was anybody in the audience would like to pull one of these items off the consent agenda.

Curtis Christensen, Weber County Engineer asked to pull the Fenster Farm Subdivision and the Lisa Estates Subdivision off the consent agenda so that they could have an open discussion on the flood issues pertaining to those properties.

2. Consent Agenda:

- 2.1. LVC121210 Consideration and action for final approval of the Colyn Flinders Subdivision, (1 Lot) within the Agricultural A-1 and A-2 Zone located at approximately 1056 S 3500 W (Colyn Flinders, Applicant)**
- 2.4. LVB052909 Consideration and action of a request for a time extension of final approval for Blanch Estates Subdivision located at approximately 500 S 4700 W (Brad A. Blanch, Applicant)**

MOTION: Commissioner Borklund moved to recommend preliminary approval of consent agenda items 2.1 and 2.4., subject to staff recommendations. Commissioner Andreotti seconded the motion. A vote was taken and Chair Parke said the motion carried with all members present voting aye. Motion Carried (7-0)

At this time Commissioner Hansen was excused from the meeting.

3. Petitions, Applications and Public Hearings:

- 2.2. LVF120610 Consideration and action for preliminary approval of the Fenster Farm Subdivision, Phase 1 (4 Lots) and a request for a deferral of curb, gutter, and sidewalk, within the Agricultural A-2 Zone, located at approximately 500 N 5500 W (Allan Karras, Applicant)**

Justin Morris reviewed the revised staff report.

Curtis Christensen stated this subdivision is in an area that has historically flooded occasionally. The property goes back and abuts the Weber River but the lots that they are looking at tonight are not adjacent to the Weber River. The Weber River has a dike that has occasionally broken hence the flooding in this area. When it does flood it is more than ankle deep; it's relatively deep there. That is why before they approve this subdivision, they need to do it with a clear perception. If they feel there is some health and safety issues they would need to be addressed.

The agenda item was opened for public comment.

Lowell Peterson, the Representative of Allan Karras, indicated that the County Engineer explained the problems very well. The requirements of the Planning Department staff has indicated that before any home can be built there, it would have to be built up and the floor would have to be a foot above the determined flood level. There are homes in the area that were probably flooded from the river previously and while the houses were surrounded by water, there were no homes that were flooded inside. He concurred with the engineer that properties would have to be brought up to a level above the flood level.

Commissioner Andreotti inquired if Mr. Peterson knew what the height was. Mr. Peterson replied that FEMA has not determined that, and the county only has some historical data of the road flooding.

Commissioner Borklund inquired if the slope was downhill from the river to the street. Mr. Peterson replied that the river is below the street at this time, but when the water rises and the dike breached, there has been flooding in the area. The Army Corps. of Engineers built a dike there, but it has not been maintained adequately and has been breached in the past.

Larry Hansen, a resident on 5500 West, stated that when the area floods, it is more than ankle deep. He has gone out there in a motorboat when the water was about five feet and homes were flooded. It has flooded at least a dozen times in his lifetime. If the county is going to approve these homes, what are they going to do to the levy to prevent flooding and is the county responsible for any of that? If the flood levy is four feet and you have to build a foot above that, then it's going to be five feet above the ground. When it flooded, there was a flooded lower road and a flooded upper road, and if you take the elevation of the lower road, then you know it was that high. If you don't do anything now, when it floods, it's going to go west and then south to get out of there and it would back up that whole area and create a large pond. Based on this drawing, he is going to move his irrigation ditch, but wonders if he would be able to get his water out of his canal and back to his fields? Is he going to move the ditch before or after the homes are built? The water coming off the property is going into his drain field, into his drain ditch, which will plug up, and he would not be able to drain his fields unless something else is done. Are these homes going to have privacy fences? Do the people that are getting into these homes know what they are getting into? Do these people know that this place did not pass the percolation test, twice? Where are the septic tanks going to be and has Weber County addressed those issues.

Lowell Peterson responded that he is not an engineer and all of the questions that were raised are addressed by the Weber County Engineer or will be, and no building permit will be issued or final approval gained until everything has been met. The percolation test was passed, and it did meet with the questions of storm water and runoff. They are waiting to see the determination by the County Engineers as to what the flood level is. With the preliminary approval, it is subject to any conditions asked and those addressed by the Weber County Engineer.

Rob Scott asked Mr. Peterson to address the question of the irrigation ditch. Lowell Peterson replied that the irrigation would not be moved in this phase. If the irrigation ditch is moved, it would have to be in the later phases. Nothing would be done to impair Mr. Hansen's ability to get his water through his irrigation ditch.

Ann Marie Giordano, 7852 W 900 S, said that Howard Subdivision is on 6700 W, and her concern is the deferral of curb and gutter and how can staff determine that he can defer his curb and gutter when others have had to put in the curb, gutter, and sidewalks. She has about 40 acres there and at some point, she would like to subdivide, would she get to defer the curb, gutter, and sidewalk to save on expenses? She asked how long the curb, gutter and sidewalk is planned to be deferred. Mr. Peterson mentioned that the property was not within a mile and a half of the schools and neither is the Howard Subdivision, yet they had to put in curb, gutter, and sidewalk. How does the County determine who can defer curb, gutter, and sidewalk?

Chair Parke stated to his understanding an applicant has to request the deferral and then it is considered on a case-by-case basis. Mr. Scott replied that is correct. Justin Morris added that he looked at the Howard Subdivision and they decided to install curb, gutter, and sidewalk instead of asking for a deferral.

Commissioner Borklund asked how many lots were in Howard Subdivision and does the numbers of lots have anything to do with it or is it just a matter of requesting curb and gutter. Justin Morris replied that it could be eight or nine lots and typically, the policy of the County Commission has been that the deferral is granted when it is outside a mile and a half of the school. It sometimes does deal with the size, and if you have a cluster subdivision and it is larger, they may not want to grant a deferral on something that large.

Rob Scott indicated that the County Commission has requested Planning, Engineering, and Legal staff to come forward with an assessment of that policy, so the policy may be changed shortly.

Chair Parke asked staff if the deferral would be a permanent deferral. Mr. Morris replied that the County could call in the deferral whenever they see the need to have the curb, gutter and sidewalk installed. There are two options, the current form is whoever owns the land at the time pays for the improvements or a district is formed, and jointly they pay for improvements over that time.

Commissioner Borklund asked if the county would participate in the installation or if it would be the property owner's responsibility. Curtis Christensen replied that the deferral agreement does not defer any of the costs to the county. It defers the costs and those improvements are the property owner's responsibility. The document is recorded so the property owner is made aware of that responsibility.

Commissioner Favero inquired if there were any plans for the river that would help relieve any of the flooding issues that may occur in the future. Mr. Christensen replied if a certified levy were to be built along there, then yes, that could relieve a great amount of the risks through that area, but there is no plan for that at this current time.

Commissioner Favero asked if cleaning and maintaining the levy would remedy potential flooding further down. Curtis Christensen replied probably not.

MOTION: Commissioner Borklund moved to recommend that preliminary approval is given to the Fenster Farm Subdivision, Phase 1 (4 Lots) based on the findings that it meets the lot area requirements of the zoning ordinance, it meets the regulations of the subdivision ordinance, and it conforms to the general plan.

AMENDED MOTION: Commissioner Borklund added that the motion is subject to the requirements of Weber County Engineering, Fire District, Surveyors, Treasurer, Weber-Morgan Health, and West Warren-Warren Water Improvement District. Commissioner Ferre seconded the motion

DISCUSSION: There was a discussion regarding the Engineering Department who has 18 requirements for mitigating potential flooding for these new homes; FEMA has been studying the flooding in Weber County for approximately one year. This study assumes that there is no dike there because it is not certified or certifiable. FEMA does not address out buildings except that they need to be able to flood or the buildings elevated. This Planning Commission had indicated previously that this is not a flood hazardous area and did not want to declare that it was. They do not know when FEMA would release any official study data. FEMA made a preliminary recommendation as to the height but it could change. In reference to the dirt bank that they cannot call a levy, would the farmer that owns the land be responsible for maintenance. The applicant has to meet engineering requirements and any FEMA requirements if they adopt their flood plain designation prior to that time. There is going to be a pipe installed along 5500 North where they will have some crossings and roads to accommodate any increases in water as well. The subdivision will need a retention basin because of the water from the agricultural operations that are still there.

Jared Preisler, a Hooper resident, indicated that he is a certified residential appraiser and knows that once the area is designated as having a flood zone, then a property owner can purchase flood insurance. Once an area is designated by FEMA, it becomes a benefit to the homeowner. If FEMA were to designate this area as a flood zone, it can either be in an area that floods every year, or every one hundred years, every five hundred years, etc., which is FEMA's designation of how severe the flood area is.

VOTE: A vote was taken and Chair Parke indicated that the motion carried with all members present voting aye. Commissioner Hansen abstained. The Motion carried (6-0) with Commissioners Hansen, Andreotti, Meibos, Borklund, Ferre, Favero and Chair Parke voting aye.

MOTION: Commissioner Andreotti moved to approve a deferral of curb, gutter, and sidewalk of the LVF120610 Fenster Farm Subdivision, Phase 1 (4 Lots). Commissioner Favero seconded the motion

DISCUSSION: The discussion centered on deferrals when the developer gets out paying for the improvements and the homeowner is stuck with the cost in the future. As far as putting a sidewalk along 5500 North, the road that goes back to four houses in the interior, it would be useful to have curb, gutter, and sidewalk there perhaps in a future phase and then the next phase it would set precedence that they would require for the rest for the subdivision as it develops. There was a question on curb and gutter in the Ogden Valley. The response was they have a policy that it is an automatic deferral for the whole valley. The reason for requiring the improvements within 1.5 miles from the school is a school district policy, which is if a child lives 1.5 miles or more from the school, they are eligible to ride the bus. If they live a mile from the school they can ride the bus if there is space on the bus. If there becomes a lot of development in an area, the county can call in the curb, gutter and sidewalk deferrals.

Lowell Peterson stated that it did not make a difference to him; the homeowner pays for the improvements when they buy the lot or they pay for it later. His experience with living in Ogden Valley is the people there did not want curb and gutter; most folks wanted to maintain a rural feeling. The point about installing sidewalks back into the interior lots makes a lot of sense to him.

VOTE: A vote was taken and Chair Parke said the motion was defeated with Commissioners Ferre, Meibos, and Chair Parke voting aye and Commissioners Favero, Andreotti, and Borklund voting nay.

MOTION: Commissioner Borklund moved to recommend that a deferral of curb, gutter, and sidewalk is given along 5500 North and that they require curb, gutter and sidewalk along the interior road. Commissioner Andreotti seconded the motion

VOTE: A vote was taken and the Motion carried (4-2) with Commissioners Favero, Andreotti, Borklund and Ferre voting aye and Commissioner Meibos and Chair Parke voting nay.

2.3. LVL120610 Consideration and action for preliminary approval of the Lisa Estates Subdivision, Phase 1 and 2, (5 Lots) within the Agricultural A-2 Zone located at approximately 350 N 5500 W (Allan Karras, Applicant)

Justin Morris reviewed the staff report.

Jared Preisler representing Allan Karras stated that these two properties are very similar and have the same characteristics; he does not want to build a subdivision where the homes are flooded and not in compliance with the County Engineer's office or FEMA. He is very familiar with the planning process because he served as chair on the Hooper City Council. They want to build good, comfortable subdivisions, where there is not a lot of risk and liability. They have reviewed and agree with staff and other agency recommendations.

Commissioner Favero asked if they as developers are willing to wait for FEMA to respond to this proposal. Mr. Preisler replied that they have some interest in the lots in the first phases. One reason that they are doing small lot phases is the economy and they do not know how many lots are going to sell. Three years ago when things were selling very well, they anticipated 20-lot phases but they did not know the economy was going to change. The lots that are further away from the river have less of an impact from whatever FEMA would do and they want to do what is right with them. They do not want to be held up for a long time and realize there is an advantage to have the floodplain designation on there; they have known a lot of people that had wished they had that designation on their homes when their homes flooded and they couldn't get that insurance. It would be nice to explore the dike options but their hands are tied since they do not own that property. As you can see from the FEMA map, it is not just their property that's affected, they are talking several miles and acres affected by that. In the past, the flood maps have been looked at

and the property deemed not to be a risk. It would be a concern to be held up because they do not know how long it will take FEMA to study the issue.

Commissioner Borklund asked if the property is currently only one parcel. Mr. Preisler replied that there are two phases; a two-acre phase 1 and a one acre phase; there are two separate parcels. The piece in the middle has a home that sits toward the back of about five acres. This property has been farmed as one parcel that wraps around the home even though it is two separate parcels.

Commissioner Borklund asked what the plans are for the sliver piece of property is to the north. Mr. Preisler replied that the sliver is not suitable for development, so it will just be a common area. They do not want to disturb that because it might cause more water problems, it's a natural drainage not only for that property but also for the surrounding properties.

Commissioner Andreotti asked Mr. Preisler if he has plans to remove the illegal dumped items on the property to clean it up. Mr. Preisler replied that they would look at any recommendations but did not have any plans on disturbing the property. He had not gone in and looked at that area so he did not know what is in that area.

Commissioner Ferre asked are you amiable to any future trail along the Weber River that abuts your property. Mr. Preisler replied that he could not speak for Mr. Karras and we have not talked about that, but he likes trails and he has them at his community. When he is appraising property, he finds that subdivisions that integrated and have trails put in place, have a higher attraction, there is a marketability of that. If you have a trail, there would need to be a plan in place of where it connects and he is not opposed to that.

Chair Parke inquired about the delinquent property taxes. Mr. Preisler replied that they are prepared to take care of the taxes

Harry Hansen stated that where the new road is going to go straight east of the river levy, just four years ago, if it hadn't been an alert farmer and quick actions taken by the county, this would have been 100 percent flooded. If you're looking at a flood, that levy stands about five feet high and you can stand field level and see the level of the water. If that does flood, all of it will flood all at once.

Commissioner Borklund inquired if there should be a requirement that they designate the area on the east as open space so it doesn't get disturbed in the future. Mr. Scott replied that since it's been designated for future development, it can be covered at that time. One thing that will happen in the mean time is that they will have an updated Trails Master Plan that would include any trails they would recommend and considered along the Weber River by then. It is inappropriate to have it in the minutes as a future consideration.

MOTION: Commissioner Borklund recommended that preliminary approval is given to Lisa Estates Subdivision, Phase 1 and 2, (5 Lots), based on the findings that each of the lots meet lot area requirements, that it meets the intent of the General Plan and satisfies the subdivision ordinance, deferring the curb, gutter, and sidewalk along 5500 West but require it to be installed along the access road going into the development to be consistent with the previous action, and that they recommend for future development that the area along the north be designated as open space.

AMENDED MOTION: Commissioner Borklund added that the motion is also subject to the requirements of Weber County Engineering, Fire District, Surveyors, Treasurer, Weber-Morgan Health, and West Warren-Warren Water Improvement District. Commissioner Andreotti seconded the motion.

VOTE: A vote was taken and Chair Parke indicated that the motion carried with all members present voting aye. Commissioner Hansen abstained. Motion carried (6-0)

Commissioner Ferre was excused and Commissioner Hansen returned to the meeting.

Old Business:**3.1 ZO 2010-17 Amendment to Chapter 24 (Parking) Parking requirements for temporary uses**

Ben Hatfield stated staff is proposing an amendment to Chapter 24 which is the Parking chapter in our zoning ordinance. On March 2, 2010 the Weber County Commission did approve the amendment to the definitions chapter, Chapter 1. In doing some of that work, we as staff proposed to eliminate a couple of terms and definitions and proposed to move them to a different portion of the ordinance which is Chapter 24. We did delete them from Chapter 1 but never did amend Chapter 24 to insert through that language, so that's why we're here tonight. We wanted to change a little bit of that language and we are looking to amend Chapter 24, Section 6-2, Parking Lot Standards and he reviewed the information. Those are the changes that staff has recommended of Chapter 24.

Commissioner Borklund inquired so we're putting in the two definitions on the top are also going into Chapter 24. Mr. Hatfield replied no they are not those are the two definitions that did come out of Chapter 1. Basically, the Parking Lot Surface definition, the second sentence, is what has been added to the section below, because the first sentence of both those paragraphs essentially says the same thing.

Commissioner Borklund asked so this just addresses temporary uses and not permanent parking lots. Mr. Hatfield replied this addresses permanent parking lots, but if you have for example a corn maze, a fair, or some other temporary use, then they can be exempt from having a hard paved surface. We've anticipated that they have to have some kind of improvement with the latitude to staff and Engineering Department to decide what they would require.

MOTION: Commissioner Andreotti moved to recommend to the County Commission adoption of Chapter 24. Commissioner Hansen seconded the motion.

VOTE: There was a vote taken and Chair Parke indicated that the motion carried with all members present voting aye. Motion carried (6-0)

New Business:**3.2. Election: Election of Chair and Vice Chair for 2011**

MOTION: Commissioner Andreotti nominated Commissioner Hansen to serve as chair for 2011. Commissioner Borklund seconded the motion.

MOTION: Commissioner Hansen nominated Commissioner Ferre for vice chair for 2011. Commissioner Andreotti seconded the motion.

VOTE: There was a vote taken and Chair Parke indicated that Commissioner Hansen serve as Chair for 2011 and Commissioner Ferre serve as Vice Chair for 2011 with all members present voting aye. Motion carried (6-0)

3.3. Schedule &

Information List: Approval of 2011 Meeting Schedule and Member Information List

3.4. Rules of Order: Consideration of Planning Commission Rules of Order

Rob Scott informed that in our work session, there is a memo to myself, identifying four minor amendments, and one major one which has to do with work sessions which now shifts from the third Tuesday to the second Tuesday after a regular meeting.

MOTION: Commissioner Hansen moved to adopt the Planning Commission Rules of Order with the noted changes. Commissioner Meibos seconded the motion. Chair Parke said the motion carried with all members present voting aye. Motion Carried (6-0)

4. Public Comments: No public comments.

5. Planning Commissioner's Remarks:

Commissioner Hansen referred to the cluster subdivision ordinance; he wanted to know the status on that so that they can proceed with development that could be coming soon, with the economy changing, so that they can be ahead of the game. Mr. Scott replied that the staff person that has been working on that will now have that time to work on the Cluster Ordinance and we concur that it does need to be worked on, and it isn't a matter of neglect, it a matter of the amount of people to work on some of these ordinances.

6. Staff Communications:**6.1. Planning Director's Report:**

Rob Scott informed that the County Commissioners did provide funding for one Planning Commissioner to attend the American Planning Association (APA) Conference and looking through the length of time of service, the order is Doug Hansen, first; Jannette Borklund, second; Brenda Meibos, third. So if you are able to go, then we will move in that direction. It is April 9 through April 12, 2011, and generally when going back east, we fly out on a Friday, but if you can't, then you can go on Saturday. Commissioner Hansen indicated he would let them know. Mr. Scott suggested letting staff know, so that we can register you for the conference now and it would be helpful.

6.2. Legal Counsel's Remarks: No remarks from Legal Counsel.

Adjourn: Adjourn for a Work Session

7. Work Session Agenda Items:**7.1. Update & Discussion: West Central Weber County General Plan Review**

Rob Scott informed the Planning Commission as part of the New Orleans conference, one of the sessions attended was a discussion regarding, "How do you know if your general plan is being adhered to and implemented appropriately?" A lot of work has been done regarding implementation of the ordinances suggested in the General Plan.

Jim Gentry summarized a report on the progress of implementing the key issues that were identified by the community during the process of completing the General Plan. The General Plan format first identified a vision for the Western Weber County with goals and objectives. He indicated that it was a good opportunity to review the General Plan and see the vast amount of work that has been done for implementing that plan. As part of the Work Program for 2011 they will review the document and evaluate the items they will work on this year.

Commissioner Hansen stated since we had the original plan adopted in 2003, we've only had 169 homes. Being involved at that time, he remembered that would be 5/6 years, they had 580 and that was the trigger that in five years we would probably review that again. The plan is dynamic and he agreed that this needs to be reviewed. Mr. Gentry replied we are looking at that and making it an annual review, updating what action has been taken and they plan on presenting a report every year.

Commissioner Hansen inquired when we do another annual plan, whenever that might be, would we follow the same procedures we did in the last one? Would the county fund to renew another General Plan? This was a great process; it got a lot of opportunity for citizen involvement. Mr. Gentry replied yes, and actually we would follow a similar process to that. As part of the general plan we do seek citizen's input on that.

Rob Scott stated we're hoping that you would give us some feedback. If this was what you intended, then we hit the mark. Chair Parke replied that was what we talked about and he thought this was good.

Commissioner Hansen asked we did talk about impact fees a couple of years ago, and we do have some in here, are there going to be more impact fees? Mr. Gentry replied we probably should reopen the study up, and if you wanted additional before we could add new chapters on the facilities plan to adopt an any additional like parks or space to revise the fees that are currently charged to creating in 2003, so it's already seven years old. This is something that may need to be looked at to see if we want to update the fees at all that are currently being charged.

8. **Adjourn:** The meeting was adjourned at 7:15 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,
Weber County Planning Commission

