



PLANNING MEETING AGENDA

March 8, 2011

5:00 p.m.

Pledge of Allegiance

Roll Call:

1. Minutes: Approval of the February 8, 2011 meeting minutes
2. Consent Agenda:
 - 2.1. LVS100410 Consideration and action for final approval of the Foxrun Business Condominium Building 2, Unit 3 – First Amendment and the vacation of Foxrun Business Condominiums Building 2, Unit 3, within the Manufacturing M-1 Zone located at approximately 2147 North Rulon White Blvd. (John Hansen, Applicant)
 - 2.2. CUP2010-16 Consideration and action for approval of a Conditional Use Permit home occupation of a dog kennel located at 6340 W 1675 S within the RE-15 Zone (Tamara Hart, Applicant)
3. Public Comments:
4. Planning Commissioner's Remarks:
5. Staff Communications:
 - 5.1. Planning Director's Report – Opening Meeting Statement
 - 5.2. Legal Counsel's Remarks:

Adjourn: Meeting Adjourned for a Work Session

6. Work Session Agenda Items:
 - 6.1. Discussion UDOT West-Davis Corridor Alignment
 - 6.2. Discussion Chapter 29, Board of Adjustment
 - 6.3. Information 2011 Work Program
 - 6.4. Information Deferral Policy
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. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are 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 at 801-399-8791

Minutes of the Western Weber County Planning Commission Regular and Work Session held February 8, 2011 in the Weber County Commission Chambers and Room 108, 2380 Washington Blvd., commencing at 5:00 p.m.

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

Absent/Excused: Wayne Andreotti

Staff Present: Scott Mendoza, Planner; Sean Wilkinson, Planner; Kary Serrano, Secretary;

Pledge of Allegiance

Roll Call:

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

MOTION: Chair Hansen declared that the January 11, 2011 meeting minutes are approved as amended.

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.

MOTION: Commissioner Meibos moved to approve the meeting date change from April 12 to April 19 due to APA conference. Commission Parke seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (5-0)

Commissioner Borklund arrived at this time.

3. **Public Comments:**

4. **Planning Commissioner's Remarks:**

Commissioner Meibos informed the Planning Commission that she had discussed storm drain issues with her son who works in Harrisville and has worked closely with Curtis Christensen. She talked about how they approved curb, gutters, and sidewalk and how they were thinking otherwise. Her son suggested a few things to consider; such as getting more information when the applicant asks for deferment on improvements. This Planning Commission deals with subdivisions that are in the unincorporated areas, and they need to ask how these curb and gutters will be maintained, or if the county will maintain them. How will the runoff be collected, if it's going to be handled on hard surface runoff or underground storage drain systems. He suggested having the developer provide us with more details when these issues come up from now on. Other questions they need to consider would be the size of detention basins so that it contains enough runoff and who would maintain that. They had one subdivision that a developer wanted to develop and asked for curb, gutter, and sidewalk and that was because the residents there have children that are close enough to walk to school. But there are subdivisions with no curb, gutter, & sidewalk because the children live far enough that they don't walk to school. Maybe this Planning Commission was thinking more about appearances, but there is a lot more to it than that and maybe Curtis Christensen could give them more detail on the curb, gutter, and sidewalk from now on.

Commissioner Ferre stated that Rob Scott had said that someone in staff was working to give us a presentation on curb, gutter, and sidewalk. Mr. Mendoza replied that it sounded like their interests are to meet with an engineer that describes the current situation and who may be able to answer some of those questions. A presentation or discussion with the County Engineer might help get to that point where staff could have specific guidance on what they want for the future when a developer comes before them with a deferral request. Mr. Wilkinson added that they have prepared a memo and it discussed some of the policy issues pertaining to the curb, gutter, and sidewalk deferrals from the County Commission. The issue will be brought back to the Planning Commission for a recommendation on some of those policy issues.

Commissioner Meibos said she noticed in Farr West this winter that some of these sidewalks were shoveled and some were not and her son said that it is Farr West City that notifies homeowners to maintain their

sidewalks. In the unincorporated area if they deny the deferment for curb, gutter, and sidewalks, then who would be the enforcement of maintaining and cleaning the sidewalks.

Commissioner Favero inquired if there was something in place that would dictate the planning for the runoff regardless, there still has to be some sort of detention because there will be water regardless if there is curb and gutter there or not. When these plans are brought up before staff, those are things that are taken into consideration before it is brought to the Planning Commission.

Sean Wilkinson stated that under the subdivision ordinance they have to design for that runoff, whether it's a retention pond or whatever the case may be. As for their roads, there is rural standard when building that provides a drainage swale on the sides and this is supposed to handle that water so maybe a discussion with the County Engineers is what they need to do.

Chair Hansen asked once this surface runoff comes through the curb, gutter, and sidewalk road area, it goes into a detention pond or drainage ditch, then what happens after that? The detention pond takes care of the subdivision, where would that water eventually go, where does it end up, and does it impact others further down on that ditch? Scott Mendoza stated that is a great question for the County Engineer who reviews those issues when they do these subdivisions.

Chair Hansen suggested that they would like to have as part of their work session an engineer come and talk about this; look at maintenance of systems, retention basin and who would maintain it, what happens to surface and subsurface runoff water.

Chair Hansen stated the flood zone is in the river and not necessarily from the runoff. They have in the past required interior subdivisions to have curb, gutter, and sidewalk. They have done it on the outside of the perimeter of the subdivision but not on the inside. Mr. Mendoza responded usually on subdivisions with 32 lots that has been the case. The last two subdivisions that were built in the western side of the county, Wally Acres Cluster and the Allen Estates, all have the interior curb, gutter, and sidewalk. That would be a great discussion and they will talk with Rob Scott and pursue getting a discussion with the County Engineer.

Chair Hansen informed the members that there are changes and UDOT has made to the Legacy Highway coming into Weber County and staff has provided them with some of the Legacy information from online that they have completely ignored all the work that went into the Legacy planning for the corridor by the committee, the county, and the cities in Weber County. They came to an agreement about a year ago for the route that they wanted to preserve as a Legacy Corridor, and in looking at the maps, the route has been changed.

Scott Mendoza stated that Rob Scott has been following this and he has suggested that those of you that are available, on February 10th, Thursday, there is going to be an open house at West Haven Elementary School, 4385 S 3900 W, in West Haven from 4:30 to 8:00 pm and if Rob was not available, one of the staff would be there to find out some information and maybe get some answers about your concerns.

Commissioner Favero said that it seemed to have gone different from any of the notes taken from the WACOG meeting and what was presented to the Utah Department of Transportation (UDOT) because of the fact that the transportation plan change had not been followed with this new proposal. There was some talk by several of the mayors of not wanting to participate in the corridor preservation. The information that was brought to the meeting and the debate afterwards was even better because it didn't cover anything that had been previously discussed and it was completely new.

Commissioner Borklund said that WACOG and UDOT were the ones who implicated how this meeting came about. Commissioner Favero replied that UDOT was part of the study group along with Wasatch Regional Council represented by Ben Wutrich and UDOT was represented by Rex Harris, who was part of that study group. Chair Hansen said he was a big part of this steering committee, which was made up of

representatives from unincorporated Weber County and the mayors of Marriott-Slaterville, Plain City, Harrisville, Hooper, and West Haven. They all attended these steering committees meetings and everyone was on the same page with the plan that had been presented with the preferred route. As of last May or June, the Weber County Planning Commission approved and forwarded to the County Commission where it was approved to make a change to the General Transportation Plan. Then everything was different last night with different facility types that had been studied and very different routes. He thinks that it's important to attend that meeting to learn more of what was going on.

Scott Mendoza stated according to this email there is also going to be an online version of this open house available so that would be every interesting to see the live chat and presentation information.

Commissioner Ferre asked if it would be appropriate as a commission to make a motion to direct staff to draft a letter stating our concerns on this issue. Chair Hansen responded that they could do that and/or they could also recommend to the County Commissioners and UDOT.

Commissioner Parke stated that they need to have them come to our meeting and report on what they are doing. In our prior meetings they told us what they would be doing to have the corridor preserved and if things have changed, then they need to come and explain why they have changed their mind.

Commissioner Favero stated that he has talked to Commissioner Zogmaister several times this week, and she is working with Ben Wutrich from Wasatch Regional Council to establish that meeting. The study group, the commissioners, and the planning commission should have an explanation.

Chair Hansen informed that there have been three studies on the Legacy Corridor through Weber County, beginning in the 90's, when he got involved during the second study and third study. It was Becky Messerly, he, and other staff who would be on that steering committee. They spent about two years coming up with a solution; they went through a lot of indicators, and factors to evaluate the best avenue to take. Maybe he could ask staff to help coordinate some kind of meeting with someone from UDOT to explain to us why they ignored our decision and explain why they didn't follow through.

Commissioner Borklund stated that it would be appropriate to send a letter to UDOT as well from us saying that they are concerned that the maps don't match what they have approved.

MOTION: Commissioner Borklund moved to direct staff to write a letter to UDOT expressing their concern over the selection of routes that they have revised and how they have ignored the direction that Weber County had already made on the route. Commissioner Meibos seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (6-0)

5. Staff Communications:

5.1. Planning Director's Report:

Scott Mendoza informed that Rob Scott wanted to make certain that all of you knew that you were all invited attend a Complete Streets Planning Seminar, Thursday, March 24, 2011, at the Salt Lake County Council Chambers, beginning at 9:00 to 10:30 a.m., and transportation would be available. The presentation will be presented by Michael Ronkin, who is an expert in pedestrian family type design. That could come in handy when they began their discussions about ideas that they would like to see included in these cluster subdivisions. If you are able to attend, the Planning Office needs to RSVP by February 15. You can RSVP to Kary Serrano or Rob Scott by email or by calling directly to let them know.

Chair Hansen asked if any of the Planning Commissioners would like to attend as this would be beneficial to learn more about the streets so they could better plan and look for innovative ways to create streets. If anybody thinks they can go now, they can let staff know. Commissioner Meibos indicated that she could not attend.

5.2. Legal Counsel's Remarks:

Adjourn: Meeting Adjourn for a Work Session

6. Work Session Agenda Items:**6.1. Update: Chapter 22B - Cluster Subdivision Ordinance**

Scott Mendoza informed that the last time they talked about cluster subdivisions there were two basic things staff walked away with. One was to talk with Envision Utah to see if they would come help us, and get involved in the cluster subdivision and play an educational role that when the public came to learn more, they would be able to educate and talk to them on the benefits of clustering and all the secondary benefits that come. They have had Envision Utah come a couple of time and the discussion got diverted to a larger scope which had to do with neighborhood plans. He would like to get back in contact with them and see if there is any interest to help us with the cluster, it's a much smaller scope but still very important. The other thing would be to come up with a design and Eric Lane Baird, owner of Lane Baird Designs, who does a lot of work in the valley and Ray Bertoldi who attended some of the work sessions. Ray Bertoldi and Eric got together and started talking about a project that was presented the Saddleback Village.

Scott Mendoza stated that the Saddleback Subdivision was a project that met the ordinances, sparked some concern, and they had started throwing out some ideas, with increasing the open space requirements, and decreasing the bonus density. On the field trip to Ogden Valley, they looked at some cluster subdivisions and compared it to and their open space requirements is 60% and their bonus density is 30%, where out west it's 50% bonus and a 30% open space requirement. Most of the development in the Ogden Valley is three acres per unit and out west it's a unit per 40,000 square feet. They looked at one cluster subdivision called the Bailey Acres, and staff had penciled in some design changes. They presented a different design that basic reflected a one to one and this was where all the space that was not put into lots in a cluster, was reserved as open space.

Scott Mendoza handed out an expired subdivision that met the standards and stated that they could compare this design to the new design. If they would notice on the new design, the lots were not drawn on and it looked much more open because the small lots have been stamped in here and they would need to keep that in mind when they look through this and there is a big difference. What he believed in this new design is a new standard, and that is less bonus density, and more open space. What direction staff gave these guys when they agreed to work for them was that they were looking 50-60% open space requirement and a 30% bonus. So that is what they were looking at is a subdivision with a new design that accommodates that and what is in place today.

Commissioner Borklund asked if staff knew how many lots this subdivision had. Mr. Mendoza replied no, but the other one has 172 lots and their entitlements would be about 132 acres, and they would be looking at 110 units with road and everything. That would be about 15 acres for the roads, and that would be approximately 127 lots so 30% or approximately another 30 lots so 165 lots in the new design versus 198 in the old design, so the new design would accommodate 30-35 fewer lots. You can take this home to review and this could generate some questions and ideas for the next meeting.

Scott Mendoza stated that back when the cluster ordinance was amended to allow 50% bonus, there could have been a wall in development, and when it started to pickup, everything that you were seeing was really a cluster. This is a great time to look at that and reevaluate whether or not the 50% bonuses are really what you want. Chair Hansen replied that they have discussed this before and they need to come to a conclusion, gather all the information they can get, and have a better cluster ordinance to accommodate more on this design, than the old design.

Chair Hansen asked if they could include mix type housing. Mr. Mendoza replied not at this time, they had explored this before and not everyone was comfortable with that, but that might need to be changed and

not decrease the amount of bonus density. If you want to increase the open space requirement, they should allow the number of unit and a mix in terms of the number of units that the developer can market.

Scott Mendoza stated that when they went on their field trip in the Ogden Valley, they went to Lakeside Village, with the carports out front on the reservoir. What the Planning Commission was able to see was some four plexes and larger that were built and looked quite nice. The architectural details covered carports out front really broke up the front of the building so it did not just look like a big box, but they were done in a way that were not intrusive and they wouldn't feel jammed back to a single family neighborhood. Maybe they need to take another field trip and look at these subdivisions if they go down that road as far as multifamily and that could be a way to keep the developers' attention. To allow them the same number of units, maybe a little less, but not too little that the incentive isn't there, and what that does is broadens that market. Not only as a single family and a multi-family and they can market that so much more broadly which, would be more of an advantage. It wouldn't be a requirement if they wanted to take that bonus density up to a point, then the only way that they are going to be fit that in there is multi-family.

Commissioner Borklund stated that Ogden City Ordinances for a PRUD that they require what's on the outside to match what's on the outside and on the inside you can do whatever you want and if it has townhomes on the one side, then you can have homes on the other side to match what's there. Scott Mendoza replied that they could come with a term like Rural Façade so it has to match. It has rural out there right now and for them to continue, maybe continue a Rural Façade with larger lots on the outside and if it's not going to be open space, and then have it more denser with the different types of housing units in the interior. There could be a PRUD component to the cluster subdivision and they could bring that back up to see how interested they would be on that.

Scott Mendoza said that was all he had and if they have more questions, they need to write or call him with those questions, and he would do any research on that, and then staff can come back with some answers where they could have a discussion and be able to move forward with this again.

6.2. Information: 2011 Work Program

Chair Hansen suggested that they will look at this for the next meeting when Rob Scott would be at the meeting and they could get a chance to ask questions about this.

7. Adjourn: The meeting was adjourned at 6:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,
Weber County Planning Commission



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for final approval of Foxrun Business Condominiums Building 2, Unit 3 – First Amendment and the vacation of Foxrun Business Condominiums Building 2, Unit 3

Agenda Date: Tuesday, March 08, 2011

Applicant: John Hansen

File Number: LVF 02-11-11

Property Information

Approximate Address: 2147 N Rulon White Blvd

Project Area: 4,300 square feet

Zoning: Manufacturing M-1

Existing Land Use: Manufacturing

Proposed Land Use: Manufacturing

Parcel ID: 19-149-0004

Township, Range, Section: 7 North, 2 West, Section 36

Adjacent Land Use

North: Manufacturing	South: Manufacturing
East: Manufacturing	West: Manufacturing

Staff Information

Report Presenter: Justin Morris
jmorris@co.weber.ut.us
801-399-8763

Report Reviewer: SW

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 21 – Manufacturing M-1
- Weber County Subdivision Ordinance

Background

The applicant is requesting final approval of Foxrun Business Condominiums Building 2, Unit 3 – First Amendment, a one unit amendment to Foxrun Business Condominiums Building 2, Unit 3. This amendment will divide Unit 3 into three units.

All reviewing agencies have commented with no concerns.

Summary of Planning Commission Considerations

- Does the proposed subdivision meet the Weber County Zoning and Subdivision Ordinance?
- Should Unit 3 of Foxrun Business Condominiums Building 2 be vacated?

Conformance to the General Plan

This subdivision conforms to the general plan by meeting the requirements of applicable ordinances.

Conditions of Approval

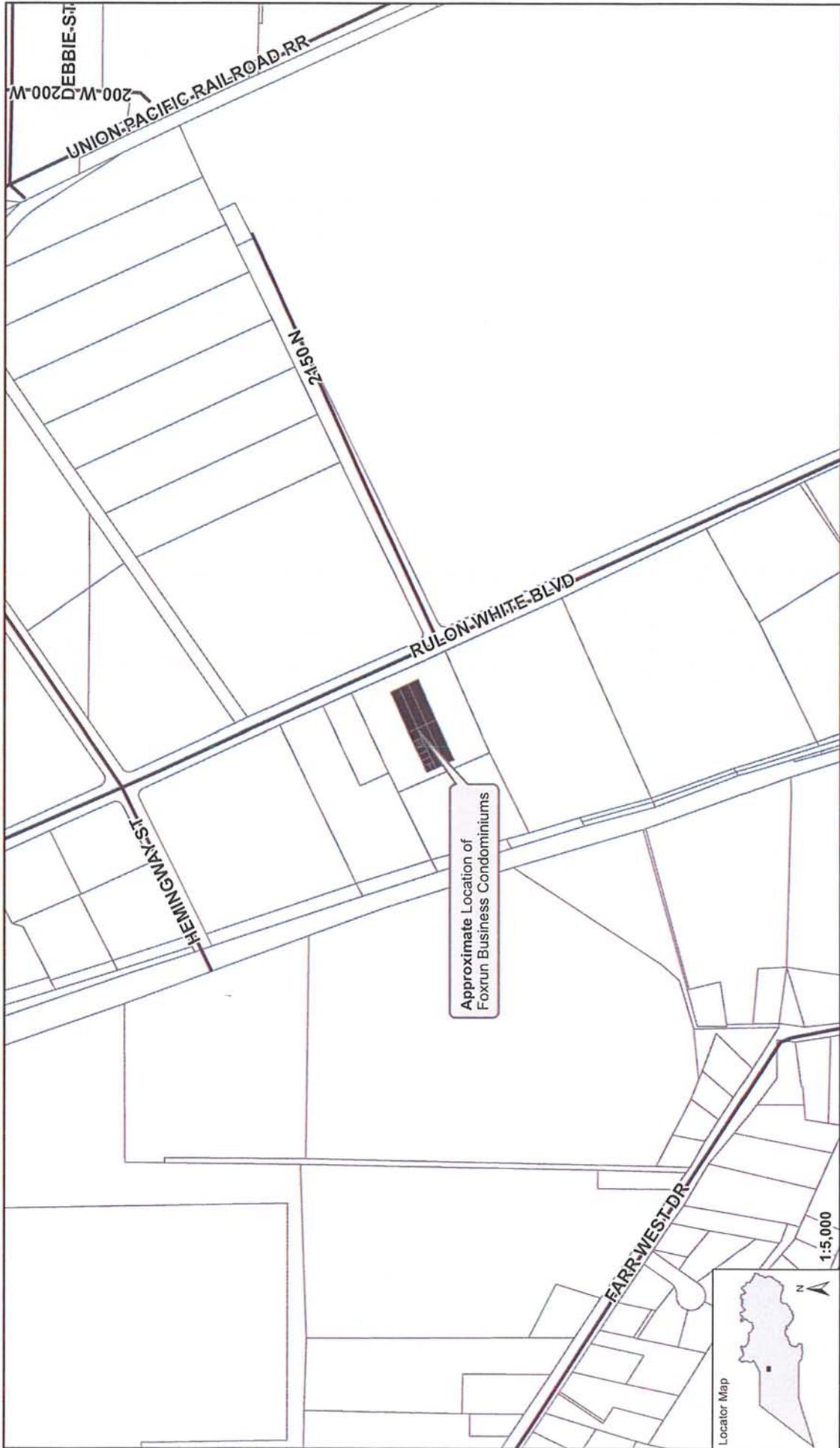
- Requirements of Weber County Engineering Division
- Requirements of Weber Fire District
- Requirements of Weber County Surveyors
- Requirements of Weber County Treasures' Office
- Requirements of Weber-Morgan Health Department

Staff Recommendation

Staff recommends final approval of Foxrun Business Condominiums Building 2, Unit 3 – First Amendment subject to staff and other agency comments, recommendations, and requirements. A recommendation on the vacation of Unit 3 from Foxrun Business Condominiums Building 2 is needed.

Exhibits

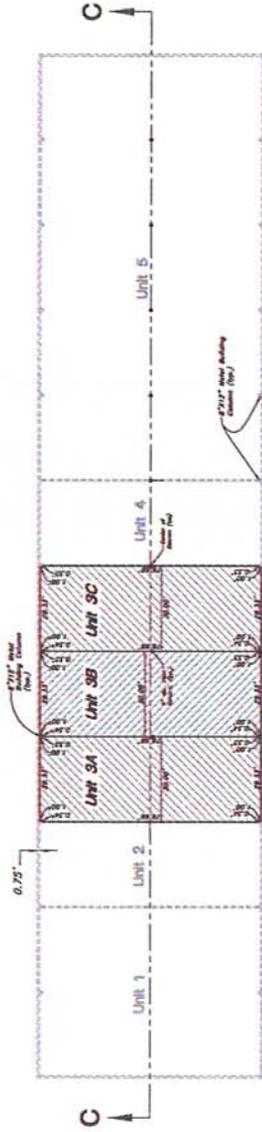
- A. Location map
- B. Subdivision plat



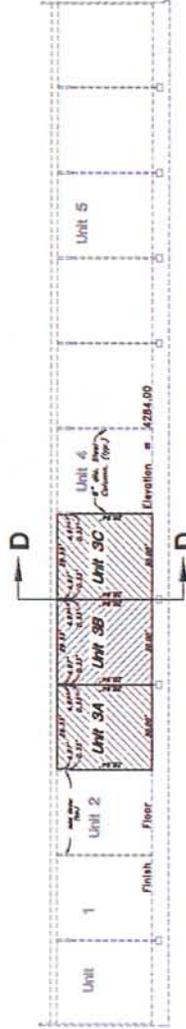
Condominium Plat

Foxrun Business Condominiums Building 2, Unit 3 - First Amendment

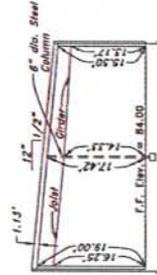
A Condominium Project
All of Lot 3, Building 2, Foxrun Business Condominiums
and also being a part of the Southeast 1/4 of Section 36, T7N, R2W, SLBAM U.S. Survey
Weber County, Utah



Floor Plan - Building 2
Scale 1" = 2'



Section C-C
Scale 1/4" = 1'-0"



Section D-D
Scale 1/4" = 1'-0"

NOTES

1. Area shown is to be used for the project as shown. Other uses are prohibited.
2. All other areas not shown are reserved for the use of the respective landowners. They are not part of this plat.
3. All other areas not shown are reserved for the use of the respective landowners. They are not part of this plat.
4. Surveyor's monument of the intersection of 2150 North Street and 400 West Street, Elevation = 4284.00.
5. Dimensions on Sheet 1 of 2 are to control.
6. All Common Area is considered to be an easement for public utility and drainage purposes.

GREAT BASIN ENGINEERING

274 SOUTH 1425 EAST, SUITE 200, UTAH 84003
WWW.GREATBASINENGINEERING.COM

Sheet 2 of 2

WEBER COUNTY RECORDER
 COUNTY NO. _____ FILED FOR RECORD AND
 RETURNED BY _____ ON _____ OF 2014
 RECORDING DATE _____ OF 2014
 REC'D _____
 WEBER COUNTY RECORDER
 P.O. _____

REVISION SHEET 1



Weber County Planning Division

Date: February 23, 2011
To: Ogden Valley Planning Commission
From: Robert O. Scott, AICP
Planning Director
Subject: Opening Meeting Statement

In the February 1 Ogden Valley Planning Commission meeting a commitment was made to bring back a proposed revision to the Planning Commission opening meeting statement to clarify the relationship between administrative and legislative decisions and ex parte communications. The following revision was approved by the Ogden Valley Planning Commission on February 22. It is recommended that the Western Weber Planning Commission adopt the following language for the opening statement:

The Planning Commission has adopted rules regarding outside contacts otherwise known as ex parte communications. Commissioners are not to engage in communications outside of the public meeting regarding administrative applications. If you desire to speak to Commissioners on these matters it should be done at a regular meeting so your comments, concerns, and evidence are on the public record.

Serrano, Kary C.

From: Scott, Robert
Sent: Friday, February 11, 2011 9:23 AM
To: Brenda Meibos (meibosfam@digis.net); Bruce Ferre (bferre@yahoo.com); Allred, Christopher F.; Doug Hansen (d-bar-C_ranchhand@hotmail.com); Jannette Borklund (JannetteBorklund@ci.ogden.ut.us); John Parke (jparke@westernhay.com); Serrano, Kary C.; Sillitoe, Sherri L.; Wayne Andreotti (ZTTWO@aol.com)
Cc: Pierce, Nate; Dearden, Craig; Gibson, Kerry; Zogmaister, Jan M.
Subject: WWPC Legacy Alignment

Planning Commissioners,

Sean Wilkinson from our staff spoke to Randy Jefferies, UDOT West Davis Project Coordinator, at last night's open house. He indicated a willingness to attend your March meeting work session.



Robert O. Scott, AICP
Weber County Planning Director
2380 Washington Blvd., Suite 240
Ogden, UT 84401
(801) 399-8791



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on Conditional Use Permit (2010-16) for a private dog kennel in the RE-15 Zone.
Agenda Date: Tuesday, March 08, 2011
Applicant: Tamara L. Hart
File Number: CUP 2010-16

Property Information

Approximate Address: 6340 South 1675 West
Project Area: 9 acres
Zoning: Residential Estates Zone (RE-15)
Existing Land Use: Agricultural
Proposed Land Use: Residential dwelling with a dog kennel
Parcel ID: 07-083-0044
Township, Range, Section: T5N, R1W, Section 22

Adjacent Land Use

North: Agricultural	South: Agricultural
East: Agricultural	West: Residential

Staff Information

Report Presenter: Iris Hennon
ihennon@co.weber.ut.us
801-399-8762
Report Reviewer: SW

Applicable Ordinances

- Zoning Ordinance Chapter 3 (RE-15 Zone)
- Zoning Ordinance Chapter 22C (Conditional Use)
- Zoning Ordinance Chapter 36 (Design Review)

Background

The applicant is requesting approval of a Conditional Use Permit to allow a private dog kennel in the RE-15 Zone. A private, non-commercial dog kennel is allowed in the RE-15 Zone subject to the following:

- No more than ten (10) dogs older than ten (10) weeks are allowed.
- Minimum setbacks of twenty-five (25) feet from any lot line, one-hundred (100) feet from a property line adjacent to a street, and seventy-five (75) feet from a dwelling on an adjacent lot are required.

The kennel is located in the Uintah area on approximately nine acres. The proposed site is bordered by agricultural land on the north, south, and east, and by a residential subdivision on the west. The property also has a County right-of-way on its north border that will be a public pathway in the future. The applicant is currently in the process of building a dwelling on the property where the kennel will be located.

The kennel is being built as part of the dwelling and consists of a large storage room with a dog shower, and five individual dog run areas. The dog run areas have indoor/outdoor access, fencing to keep the dogs on site, and are well lit, heated, and have automatic water dispensers. The applicant has stated that she is willing to install proper fencing and barriers to prevent the dogs from leaving the property. Staff, in conjunction with County Animal Services, recommends that appropriate fencing be installed to provide a barrier between this property and the County right-of-way mentioned previously. The applicant currently has eight dogs including three English Mastiffs, four Neapolitans, and one Vizsla, but the dogs will not be housed on the property until the kennel is built.

Applicable County review agencies have responded with no concerns, except that a kennel license is required from County Animal Services and a building permit is required from the Building Inspection Division.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed use meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit B.

Chapter 22C-4: Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The potentially detrimental effects of this private kennel relate to noise and loose dogs. Noise is mitigated for the most part because the property is so large and surrounded by vacant agricultural land. For the residential subdivision near this property, noise can be mitigated by bringing the dogs inside the kennel if a problem arises.

The applicant is proposing fencing to keep the dogs from leaving the property. County Animal Services is recommending a six foot tall fence with a placard indicating that there are dogs on the property. The location of this fence is up to the applicant, but it must be placed appropriately to protect the future public trail users. The trail is located up a densely forested hill from the location of the kennel, so a natural barrier already exists.

2. This application meets the criteria listed in applicable County Ordinances in the following ways:
 - The proposed site (nine acres) is larger than the required five acres.
 - The applicant currently has eight dogs, and is not proposing more than ten.
 - The kennel location meets the required setbacks.
 - Landscaping will be installed when construction is finished.
 - No additional parking is required because this private kennel is not considered a commercial use.
 - A Storm Water Pollution Prevention Plan is in place for construction of the dwelling/kennel.
 - A plan for removal of animal waste has been submitted to the Health Department. The plan consists of a waste bin that will be emptied on a regular basis.

Conformance to the General Plan

The Uintah area is not addressed in the current Western Weber County General Plan. The proposed use complies with applicable County Ordinances.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of County Animal Services

Staff Recommendation

Staff recommends approval of CUP 2010-16 for a private dog kennel in the RE-15 Zone, subject to staff and review agency requirements. This recommendation includes installation of a six foot fence on the property to keep the dogs from leaving the site and to protect the public using future pathway. This recommendation is based on the proposed kennel being in compliance with applicable County Ordinances as listed previously in this staff report.

Exhibits

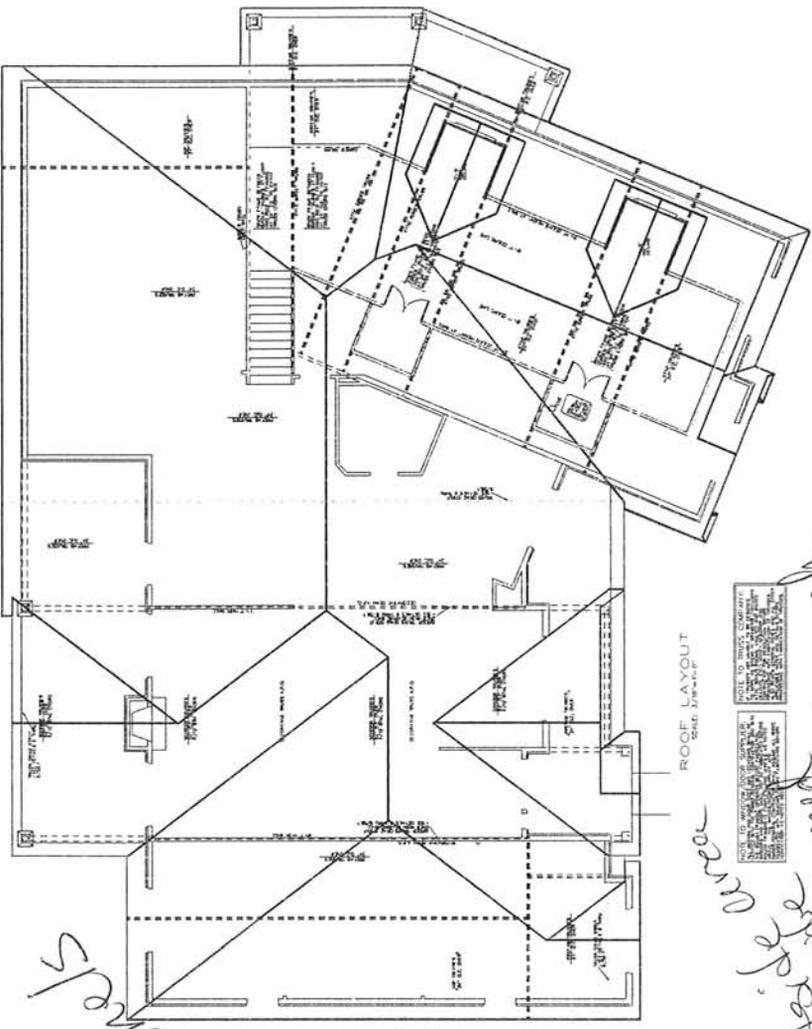
- A. Site plan
- B. Applicant's narrative
- C. Review agency comments

Map 1



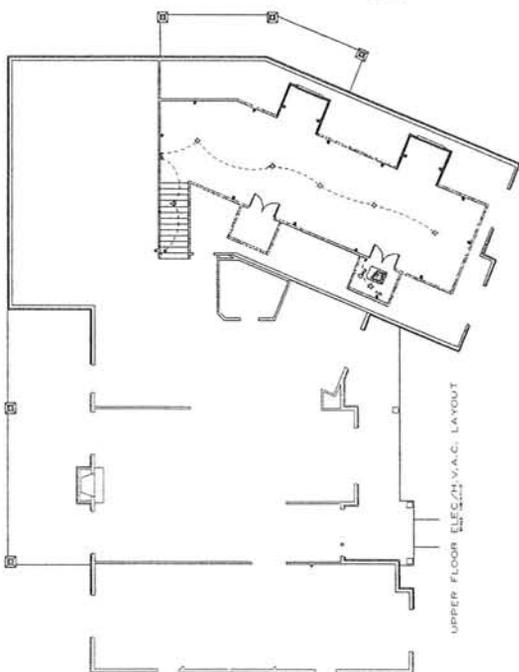
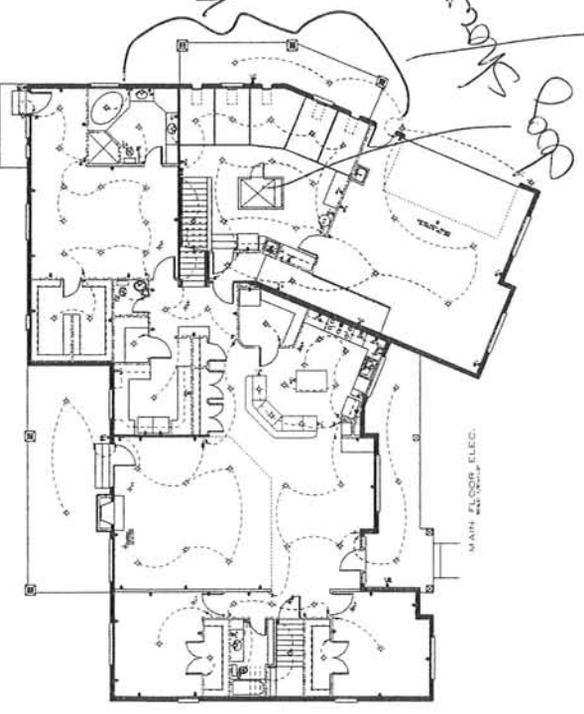
Map 2





NOTES TO ELECTRICAL PLAN:
 1. THE ELECTRICAL PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
 2. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 3. THE ELECTRICAL PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
 4. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
 5. THE ELECTRICAL PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.

NOTES TO ROOF PLAN:
 1. THE ROOF PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
 2. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 3. THE ROOF PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
 4. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.



Outside area will provide an outdoor area plus fencing. Fencing will be placed around open yard. All electrical work shall be done in accordance with the National Electrical Code (NEC) and all local ordinances.

QR CODE
 ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 THE DRAWING SHALL BE USED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.

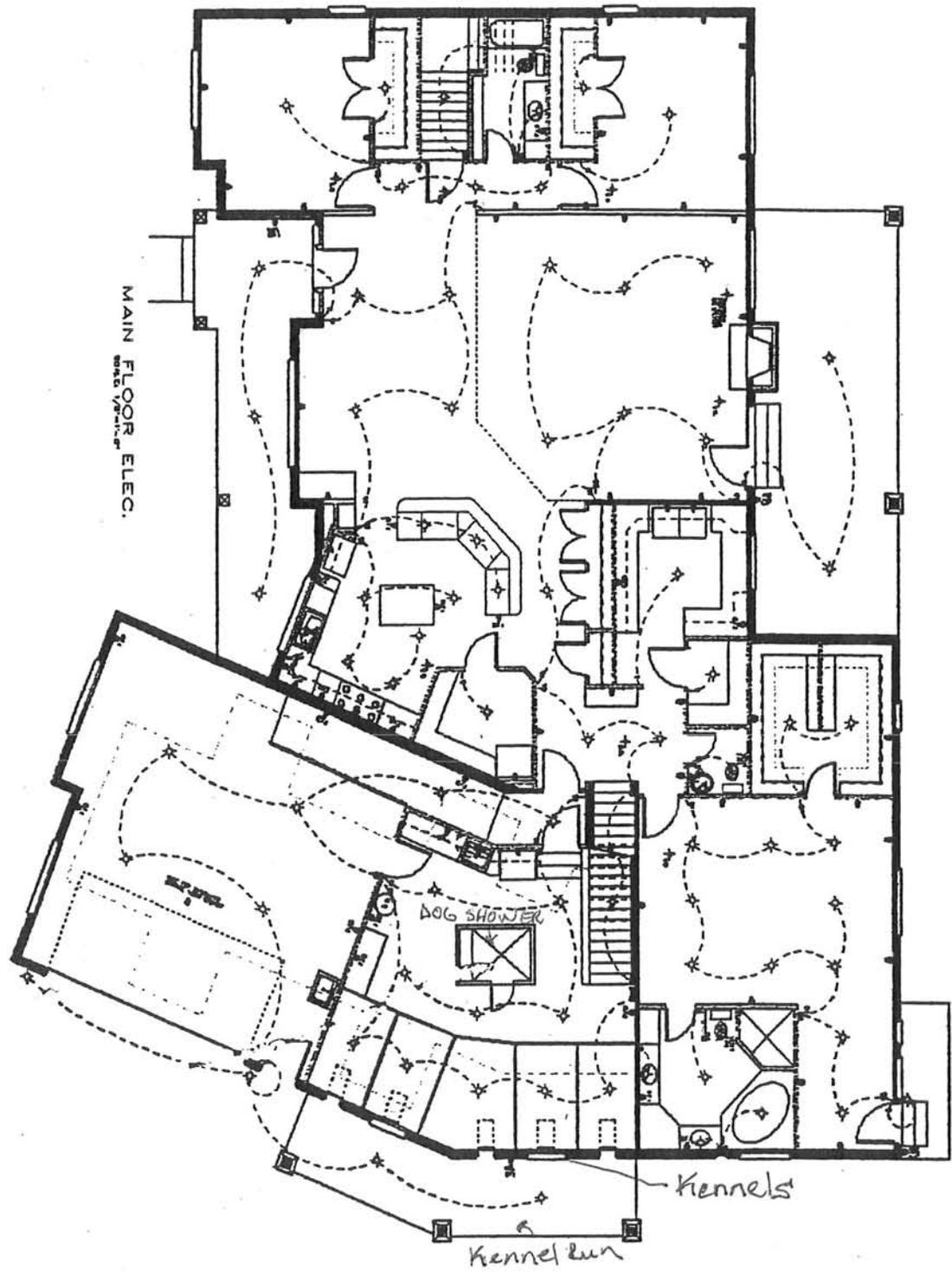


Exhibit B

Project Narrative

I am making application for a conditional use permit to allow me to have a dog kennel at my future home, located in unincorporated Weber County. The property is over 9 acres and is not in close proximity to any other residences or businesses. The land has previously been zoned agricultural and has been used in the past as a turkey farm.



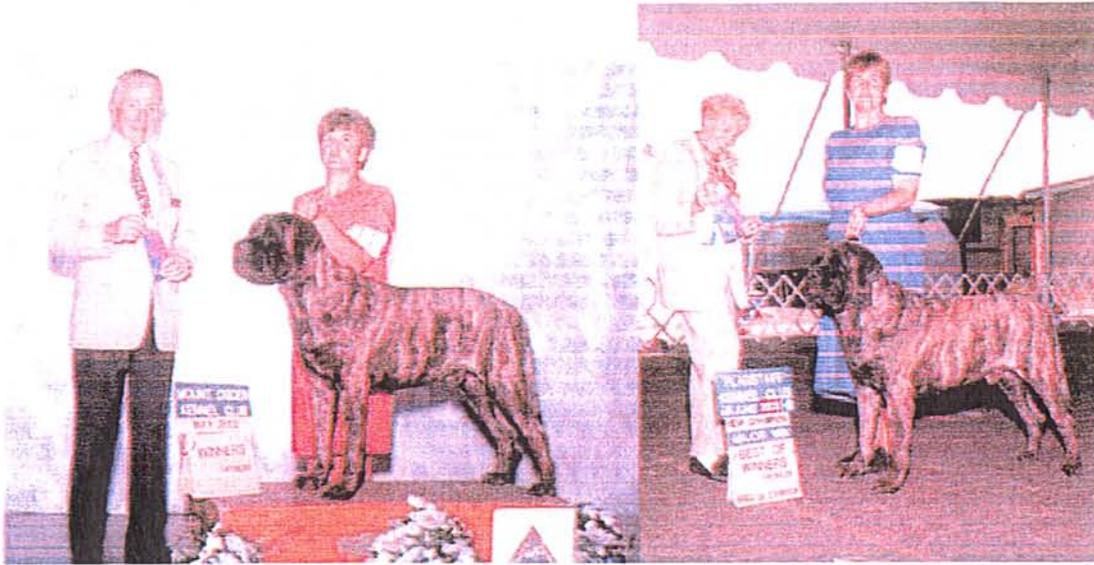
I am just now in the process of building the home and don't expect it will be ready for occupancy until the summer or possibly fall of 2011. I purchased the property with getting a kennel permit in mind, and the house has been designed with providing the best care possible for our dogs. The plans include 5 very large indoor/outdoor kennels, all designed to have their own yard attached. The kennels are heated, well lit and will have automatic waterers. The kennel room will have a shower especially designed for the dogs and a fridge, sink, and shelving for feeding and supplies. Additionally, there will be a large fenced area in the back yard area for use by the dogs.



I presently live in Farr West, Utah and have had a kennel permit in my present home since I moved here in 2000. I have maintained the permit with yearly visits and approval by Weber County Animal Control. There have never been any complaints or problems related to the permit or my dogs and Betty at Weber County Animal Control (assigned to oversee the kennel permits for the county) is supportive of the permit being issued in the new location. She looks forward to our visit every year and will address any issues you may have involving animal control.

We presently have 8 dogs; 3 English Mastiffs, 4 Neapolitan Mastiffs and 1 Vizsla. All the dogs are spayed/neutered and all are healthy and well cared for. The dogs are very much a part of our family and are loved, attended to and given the best care possible. I am requesting authorization for up to ~~8~~¹⁰ dogs for the permit requested in this application. I don't believe we will ever have anywhere close to that many dogs, but I would like to be able to have some foster dogs (if needed) and perhaps future litters of pups. I have served at the Utah Coordinator for Neapolitan Mastiff Rescue and Teri Yool (who will also be living in the new house) has served as Regional Coordinator for Neapolitan Mastiff Rescue, President of Southwest Mastiff Rescue and held other rescue positions. We have both fostered several dogs in the past, who are now part of loving homes.

Ken D



Ms. Yool has been involved in showing dogs through AKC and UKC for several years and taught handling and obedience classes, as well as been a certified tester for the Canine Good Citizen certification. She has also been very active and served as an officer in various kennel clubs and worked with 4-H groups in canine related projects. Additionally, Ms. Yool has bred, raised and shown many champion dogs. Some of the dogs we presently have are champions, including our Neapolitan Mastiff Soolaimon, who was the number one dog in her breed in theuntry a few years ago.



As you can see, our dogs are vey much a part of our life, leisure activity and plans for the future. At present, we are not breeding or showing any dogs, but our future plans include returning to the show ring. Any future litters will be few and far between and only be bred to develop high quality dogs with great temperament and health. We will absolutely not breed with profit as the goal.

Proposed Use of Location Desirable to the Community

The home/kennel will be located on almost 10 acres of land, providing ample room for us and our dogs to live comfortably and not create a nuisance for neighbors. We will provide proper fencing and barriers, both to protect our dogs and keep them from leaving home. The service we hope to contribute to the community at some point in the future is to be a very small part of ensuring the English Mastiff and Neapolitan Mastiff breeds are continued in a manner with takes the health, temperament and well being of the dog into utmost consideration.



Proposed Location will not be detrimental to the community and will be compatible with surrounding uses of the area

The land where our home/kennel will be located is in an agricultural area. There are no homes or businesses in close proximity. To the east, is our closest neighbor, however, he has a very large goat pasture behind his home with many goats. To the east is a vast vacant piece of ground belonging to the Washington Heights Baptist Church. The topography of the land will make it extremely difficult to build and access any thing they may want to put there in the future. The ground to the south is a cow pasture which has cows in it only part of the year. The ground to the west is quite hilly and unstable and not likely to developed. Again, the property I own is almost 10 acres, so even though I have discussed the surrounding uses, they are quite a distance from where our house/kennels will be.



Proposed Use will Comply with Regulations

Our dogs are great dogs who are well cared for, loved, and very much a part of our lives. We will always ensure they are licensed, don't cause problems for others and comply with any regulations which may affect us. To my knowledge, obtaining this permit and complying with the requirements of Weber Animal Control is all that is required. We fully intend to follow all rules and regulations.

Compliance with the overall General Plan for Weber County

We are complying with the overall plan by applying for and obtaining the conditional use permit as part of this application and fully intend to comply with any needed regulations.



Not Cause any Deterioration to the Environment

I am requesting a permit to have more dogs than allowed without the permit. We will make sure the dogs don't damage others property or create a nuisance. We will also ensure the dogs are cleaned up after, receive proper veterinary care, receive required rabies vaccinations and are a positive contribution to those who encounter them. They will not cause any environmental concerns or detrimentally affect others.



Exhibit C



Weber County

ANIMAL SHELTER



Animal Services Adoption

February 28, 2011

This application is for a private kennel for Ms. Tamara Hart to have up to ten (10) dogs. Ms. Hart has maintained a kennel permit with Weber Animal Services and the city of Far West since 2000, and has always been in compliance. All her animals at the present time are spayed/neutered and all appear to be healthy and well cared for.

The only concern that Animal Services have at the present time with this new application is the proximity that the public might have with the public walking trail, we would therefore recommend a six (6) foot fence and a placard be placed to make the public aware that there are dogs residing on the premises.

Betty Davis
Betty Davis Animal Officer
Weber County animal Services

Weber County Animal Shelter
1373 North 750 West
Ogden, UT 84404
(801) 399-8244



PUBLIC WORKS /ENGINEERING
(801) 399-8374
FAX: (801) 399-8862
Curtis Christensen, P.E.
County Engineer

August 26, 2010

Iris Hennon
Weber County Planning Dept.
2380 Washington Blvd.
Ogden, UT 84401-3113

RE: Tamara L Hart Dog Kennel
6340 S 1675 E, Ogden 84405

Ms. Hennon,

This letter concerns the above referenced Development. I have had a chance to review the plan(s) and have the following comment(s): **Written responses to the following comments are required.**

The engineering department doesn't have any concerns at this time. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this letter, feel free to contact me.

Sincerely,

Rochelle Pfeaster
Weber County Engineering Dept.
Phone: (801) 399-8372
e-mail: rpfeaster@co.weber.ut.us



Weber County Planning Division

AGENCY REVIEW OF A CONDITIONAL USE PERMIT

1. Agency Weber County Fire Department Date August 23, 2010

2. Agency Address _____

3. Checked by: Ted Black Position FIRE MARSHAL

4. Under existing conditions, the development of this subdivision:

- Is feasible as shown
 Is not feasible
 Is feasible with requirements shown on returned plan

5. Comments: NO FEE

Project Name & Address: Dog Kennel, 2988 N 2575 W, Farr West, UT 84404
Developer's Name & Address Tamara L Hart, 2988 N 2575 W., Farr West UT 84404
Phone: (801) 732-0564 Property I.D.: #07-083-0044

Please review the attached proposed subdivision plan for:

- Future development of the area
Dedication of streets legal description, Property ownership
Availability of culinary water system
Availability of secondary water
Water Source (Well)
Septic system approval
Other
Fire hydrant locations (existing and proposed)
Future school requirements
Engineering related special problems
Availability of utility and right-of-ways
Soils Information (S.C.S)
Sewer District Approval

--Please respond to this review request by returning this form and the attached plan within 5 days to:

Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473

--If you have any questions or need further information, please call 399-8791, Fax 399-8862

Thank You: KARY SERRANO



Weber County Planning Division

AGENCY REVIEW OF A CONDITIONAL USE PERMIT

1. Agency Weber County Building Inspection Date August 23, 2010

2. Agency Address _____

3. Checked by: Craig Brown Position _____

4. Under existing conditions, the development of this subdivision:

- Is feasible as shown
 Is not feasible
 Is feasible with requirements shown on returned plan

5. Comments: _____

Project Name & Address: Dog Kennel, 2988 N 2575 W, Farr West, UT 84404

Developer's Name & Address Tamara L Hart, 2988 N 2575 W., Farr West UT 84404

Phone: (801) 732-0564 Property I.D.: #07-083-0044

Please review the attached proposed subdivision plan for:

- | | |
|--|---|
| <input type="checkbox"/> Future development of the area | <input type="checkbox"/> Fire hydrant locations (existing and proposed) |
| <input type="checkbox"/> Dedication of streets legal description, Property ownership | <input type="checkbox"/> Future school requirements |
| <input type="checkbox"/> Availability of culinary water system | <input type="checkbox"/> Engineering related special problems |
| <input type="checkbox"/> Availability of secondary water | <input type="checkbox"/> Availability of utility and right-of-ways |
| <input type="checkbox"/> Water Source (Well) | <input type="checkbox"/> Soils Information (S.C.S) |
| <input type="checkbox"/> Septic system approval | <input type="checkbox"/> Sewer District Approval |
| <input type="checkbox"/> Other | |

--Please respond to this review request by returning this form and the attached plan within 5 days to:

Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473

--If you have any questions or need further information, please call 399-8791, Fax 399-8862

Thank You, KARY SERRANO



Weber County

March 8, 2011

To: Western Weber County Planning Commission

From: Sean Wilkinson
Weber County Planning Division

Subject: Discussion regarding amendments to the Weber County Zoning Ordinance Chapter 29 (Board of Adjustment)

Dear Commissioners,

The Weber County Planning Division staff is continuing the process of amending Chapter 29 (Board of Adjustment) of the Weber County Zoning Ordinance. This chapter governs the duties, powers, and procedures of the Board of Adjustment. At this point in the process, specific ordinance language changes have been proposed for the majority of the ordinance, but a few policy questions require further guidance from the Planning Commission. These questions deal with the following issues:

- Should the Board of Adjustment have more duties and powers than staff is proposing?
- Which body (staff, planning commission or board of adjustment) should handle special exceptions?
- If special exceptions are removed from Chapter 29, where in the Zoning Ordinance should they be relocated?
- Are the existing criteria for special exceptions adequate?
- How should notice for Board of Adjustment meetings be handled?
- Should citizens from outside the unincorporated area of the County be allowed on the Board?
- How should extensions be handled for Board decisions that have not been acted upon within the specified time frame?

Chapter 29 has not been recently updated, and all of the sections need some general reorganization, rewording and clarification to adequately update the ordinance language. As part of the update, a purpose and intent section has been added, and the ordinance language has been made consistent with State Code. The following is a summary of the proposed amendments:

Section 29-1 Purpose and Intent

The purpose and intent of Chapter 29 is to establish rules and procedures, consistent with Utah state code, which govern the Board of Adjustment in considering appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps, and variances from the terms of the Weber County Zoning Ordinance.

Section 29-2 Board Membership and Organization

This section describes the make-up of the board, how board members are appointed, terms of service, and other general information. Most of the content from the original sections 1 and 2 has been preserved, but the language and organization of the information has been amended.

Section 29-3 Duties and Powers of the Board

Most of the original duties and powers have been removed because they were no longer applicable, or they are addressed elsewhere in the Zoning Ordinance. Staff is proposing four duties and powers for the board including appeals and interpretations, variances, special exceptions for access by a private right-of-way, and special exceptions for flag lots. One of the original special exceptions dealing with access at a location other than across the front lot line

will be moved to another location in the Zoning Ordinance and will be an administrative approval. Several of the policy questions listed above deal with this section.

Section 29-4 Decision Criteria and Standards

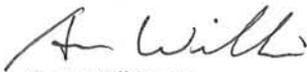
This section describes the criteria that the Board of Adjustment uses in determining whether or not an application should be approved. Separate criteria are listed for appeals and interpretations, and variances. This language reflects what is currently found in the Utah state code. However, staff has not proposed specific criteria amendments for the two remaining special exceptions. Several of the policy questions listed above deal specifically with how special exceptions should be handled. Staff is looking for guidance on this issue from the Planning Commission prior to proposing specific criteria and language amendments.

Section 29-5 Procedure

This section deals with procedures for filing applications, providing notice, meetings, decisions, time expirations, and appeals. Staff is requesting guidance from the Planning Commission on these issues, because the Planning Commission has more experience in these areas than the Board of Adjustment. Several of the policy questions listed above deal specifically with this section.

The amended ordinance language is attached. Please review this information and come to the meeting with questions and comments, or call me prior to the meeting. Thank you for your continued hard work.

Sincerely,



Sean Wilkinson
Weber County Planning Division
801-399-8765

CHAPTER 29

BOARD OF ADJUSTMENT

- 29-1. Purpose and Intent
- 29-12. Board Membership and Organization
- 29-3. Duties and Powers of the Board
- 29-4. ~~Procedure~~ Decision Criteria and Standards
- 29-5. Procedure

29-1. Purpose and Intent

The purpose and intent of this chapter is to establish rules and procedures, consistent with Utah state code, which govern the Board of Adjustment in considering appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps, and variances from the terms of the Weber County Zoning Ordinance. The Board of Adjustment serves as the final arbiter of issues involving the interpretation or application of the Weber County Zoning Ordinance.

29-12. Board Membership and Organization

1. The Board of Adjustment shall consist of five (5) members and two (2) alternate members from the unincorporated area of Weber County.
 - A. Board members shall be appointed by a simple majority vote of the County Commission.
 - B. Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.
 - C. Any vacancy(s) occurring on the Board shall be filled via appointment by a simple majority vote of the County Commission. Any vacancy occurring because of resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.
 - D. The board members shall regularly attend all meetings of the Board of Adjustment.
2. The Board of Adjustment shall annually elect a Chairperson and Vice-Chairperson from its membership. Each officer shall hold office for a one year period and not longer than two consecutive years.
3. Members of the Board of Adjustment shall be subject to all applicable County ordinances regarding conflicts of interest or ethics. A violation of these provisions shall be grounds for removal from the Board of Adjustment. The County Commission may remove or replace any board member for cause after a public meeting and a majority vote of the full County Commission.

~~The Board of Adjustment shall consist of five (5) members and two (2) alternate members who shall be appointed by the Board of County Commissioners. Each member and alternate member shall be appointed for a term of five (5)~~

March 1, 2011

years and may be removed from membership for cause by the appointing authority, upon written charges and after public hearing except that the first five (5) members so appointed One member shall be appointed to serve one (1) year, one member two (2) years, one member three (3) years, one member four (4) years and one member five (5) years. In the month of June each year one member shall be appointed for a five year period to take the place of the member whose term shall next expire. Any vacancy occurring on the Board by reason of death, resignation, removal, or disqualification shall be promptly filled by the Board of County Commissioners for the unexpired term of the vacating member. Not fewer than three members of the Board of Adjustment shall be residents of the unincorporated area of Weber County.

29-2. — Organization

The Board of Adjustment shall organize and elect from its members a chairman and vice chairman and adopt rules of procedure and regulations not inconsistent or in conflict with state laws or with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such time as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the Board and shall be a public record.

29-3. Duties and Powers of the Board

Amd.98-26

In addition to any other powers given by State law or this Ordinance, upon the timely filing of an appeal, within 15 days, from the date of the final decision being appealed, after proper notice and Public Hearing, The Board of Adjustment shall have the following duties and powers:

1. To act as the appeal authority from decisions applying the Weber County Zoning Ordinance.
2. To hear and decide variances from the terms of the Weber County Zoning Ordinance.
3. To permit as a special exception, the construction of a dwelling or a building upon a lot, which does not have frontage on a street but has access to the lot by a private right-of-way.
4. To permit as a special exception, the inclusion of a flag lot(s) within a subdivision, which does not meet the lot frontage requirement, but has a fee title access strip.

29-4 Procedure Decision Criteria and Standards

1. Appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps
 - A. The Board of Adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Weber County Zoning Ordinance and Zoning Maps.
 - B. The Board of Adjustment may hear only those decisions in which the land use authority has applied the Weber County Zoning Ordinance or Zoning Maps to a particular application, person, or parcel.
 - C. The appellant has the burden of proof that the land use authority erred.

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- D. All appeals to the Board of Adjustment shall be filed with the Planning Division not more than 15 days after the date of the written decision of the land use authority.
 - E. Appeals to the Board of Adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.
2. Variances from the terms of the Weber County Zoning Ordinance
- A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Zoning Ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Zoning Ordinance.
 - B. The Board of Adjustment may grant a variance only if:
 - 1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
 - a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - a. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
 - 5. The spirit of the land use ordinance is observed and substantial justice done.
 - C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - D. Variances run with the land.

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- E. The appeal authority may not grant a use variance.
 - F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - 1. Mitigate any harmful effects of the variance; or
 - 2. Serve the purpose of the standard or requirement that is waived or modified.
 - 3. Special Exception to build on a lot using a private right-of-way for access
 - A. Criteria to be determined
 - 4. Special exception to allow inclusion of a flag lot(s), with a fee title access strip as part of a subdivision
 - A. Criteria to be determined
1. ~~_____ To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance.~~
 2. ~~_____ To hear and decide requests for decisions on special questions upon which such Board is authorized to pass.~~ 21-83
 3. ~~To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.~~
 4. ~~_____ To interpret the zoning map and zoning ordinance.~~
 5. ~~_____ To reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship.~~
 6. ~~_____ Where a zone boundary line divides a lot in single ownership at the time of the passage of this Ordinance, permit the extension of a use or building situation on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred (100) feet into the other portion of the lot in the more restricted zone.~~
 7. ~~_____ Permit for a period not to exceed one (1) year in a residential zone a temporary building or use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.~~
 8. ~~_____ To permit a nonconforming use to be changed to another use permitted in the same or a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the Board of Adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutant, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, display or use of illumination, general activity, probable duration of the proposed use, or other factors having a bearing on the harmonious relation to one use to another.~~
 9. ~~_____ To permit the relocation on a lot of a nonconforming building or structures occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard and area requirements in the zone in which it is located.~~

March 1, 2011

10A. To permit as a special exception and subject to No. 12 below, the construction of a dwelling or a building upon a lot, which does not have frontage on a street but has access to said lot by a private right-of-way, where the Board of Adjustment considers it unfeasible or impractical to extend a street to provide access to such lot because of unusual topographic or property boundary conditions. Before approval by the Board of Adjustment to build on any private right-of-way, the land owner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the county to replace the private right-of-way as required access to additional lots. 96-11, 96-43

10B. To permit Lots with Access Strips known as Flag Lots by Special Exceptions meeting the following criteria:

1. Lots not having frontage on a street as required by this ordinance, but having access to such street by means of fee title access strips may be approved as "Special Exceptions" by the Board of Adjustment in any zone, provided that:

A. The Board of Adjustment determines that it is not feasible or desirable to extend a street to serve such lot or lots at that time. Criteria to be used in determining feasibility or desirability of a street shall include, but not be limited to, topography, boundaries, and/or an area in which a road would not open an area of 5 acres or more for development.

B. The access strip shall have a minimum width of 20 ft., a maximum width of 30 ft., a maximum grade of 15%, and a minimum vertical clearance of 14.5 ft.

C. The area of the access strip shall not be included within the minimum lot area requirement.

D. The lot shall meet all minimum yard and area requirements of the zone in which it is located, exclusive of the access strip.

E. Buildings shall be setback a minimum of 30 feet from any property line and 30 feet from the extension of the flag lot access strip. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the access strip which the building faces.

F. The lot address shall be displayed in a prominently visible location at the street entrance to the access strip.

G. Each lot shall access a street by means of its own access strip. Successive stacking of lots on the same access strip is not permitted.

H. No building, structure or parking is allowed in the access strip which is to be used solely as access to the lot.

I. The Board of Adjustment shall impose such other conditions to ensure safety accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.

J. No access strip shall exceed 800 feet in length.

K. A maximum of two flag lot access strips may be adjacent to each other.

L. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access strip at a maximum distance of 200 feet from the public street.

M. A turn-around area be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface, capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)

N. Bridges, including decking and culverts shall be capable of supporting a minimum 20-ton weight capacity.

O. Switchback turns in sloped areas shall have a minimum 75-foot radius.

P. Road surfaces on private access ways shall have a minimum 12 foot finished road surface capable of supporting a 20-ton weight capacity with a surface approved by the County Engineer.

Q. A fire hydrant or other suppression method MAY be required by the Fire Chief.

March 1, 2011

R. ——— The home location shall be shown on a plan submitted to the Fire District.

2. ——— No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision.

3. ——— The lot area exclusive of the access strip shall be a minimum of 3 acres.

4. ——— The flag lot shall meet the minimum lot width requirements for the zone in which the lot is located, at the end of the access strip.

5. ——— Application for subdivision shall be filed and recorded within 18 months of approval of Flag Lot. If not filed and recorded within 18 months, said Flag Lot approval shall expire and be null and void.

6. ——— No subdivision shall be vacated, re-subdivided or changed in order to meet the requirements of this chapter. 2003-11

11. ——— To allow by Special Exception access to lots at a location other than across the front lot line provided the following criteria are met:

1. ——— Special circumstances are attached to the property covered by the application which does not generally apply to other property in the same zone.

2. ——— Special or unique boundary conditions exist regarding the property for which an application has been submitted.

3. ——— Topographic or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access.

4. ——— The Board of Adjustment shall consider but not be limited to the following:

1. The access strip shall have a maximum grade of 15%.
2. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access at a maximum distance of 400 feet from the public street.
3. A turnout area be provided at the home location to allow firefighting equipment to turn around. This area must be a year round surface capable of supporting fire equipment (a minimum 45 foot radius if circular) 2002-7
4. Bridges including decking and culverts must be capable of supporting a minimum 20-ton weight capacity.
5. Switchback turns in sloped areas must have a minimum 75 foot radius.
6. Road surfaces on private access ways shall have a minimum 12 foot road surface width and be capable of supporting a 20,000 pound weight capacity with a surface approved by the County Engineer. 2002-7
7. A fire hydrant or other fire suppression method may be required by the fire district. 2002-7
8. The home location shall be shown on a plan submitted to the fire district. 96-43

12. ——— In exercising the above mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:

1. ——— The variance will not substantially affect the comprehensive plan of zoning in the County

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and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan. 2002-7

2. ——— Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

3. ——— That because of said special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

4. ——— That the condition and/or circumstances are not considered to be economic hardships or self-imposed hardships. 2002-7

13. ——— The concurring vote of at least three (3) of the five (5) members of the Board shall be necessary to reverse any order, requirement or determination of such administrative official, or to decide in favor of such applicant on any matter on which it is required to pass, or to affect any such variation or special exception to this Ordinance. 98-26

14. ——— If an affirmative decision is made by the Board of Adjustment in exercising any of the powers listed in paragraphs 3, 4, 6, 9 and 10 of this Section, that approval shall be valid for a period of time not longer than 18 months from the date of the decision of the Board. Any interpretation or affirmative decision made in exercising any of the powers listed in paragraphs 5 or 7, shall be valid until an amendment to the Zoning Map or Ordinance is made which changes the conditions upon which the interpretation or decision was made. 22-85, 96-3

29-45. Procedure

The Board of Adjustment shall adopt rules and regulations, consistent with Utah state code and Weber County ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

1. Application and Notice.

A. Any person or entity wishing to petition the Board of Adjustment for an appeal or interpretation of the Zoning Ordinance or Zoning Maps, or for a variance from the terms of the Zoning Ordinance may commence such action by completing the proper application and submitting it in the Weber County Planning Division office. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and all applicable information necessary to support the request. Applications which are deemed incomplete by the Planning Division will not be placed on the Board of Adjustment agenda until the necessary information has been provided.

B. After a complete application has been submitted and accepted, the Planning Division shall prepare a staff report with a recommendation to the Board of Adjustment, schedule a meeting of the Board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations.

2. Meeting.

A. The Board of Adjustment shall hold a public meeting to decide upon the appropriate action

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to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three (3) of the five (5) Board members is required to decide in favor of the request.

3. Decision and Minutes.

A. Decisions of the Board of Adjustment shall be final at the time a written notice of decision is issued. After the Board of Adjustment has made a decision, the written notice of decision shall be sent to the appellant by the Planning Division. This notice acts as the Board's written decision on an appeal, variance, or interpretation request.

B. The minutes of all meetings of the Board of Adjustment shall be prepared and filed in the Weber County Planning Division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

4. Expiration.

A. If the Board has decided in favor of a variance request, the approval is valid for a period of 18 months. If the variance has not been acted upon within this time frame, it shall expire and become void.

B. If the Board has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the conditions upon which the interpretation or decision was made.

5. Appeal of Decision.

A. Appeals from decisions of the Board of Adjustment are made directly to the District Court as designated in Utah state code.

Each appeal to the Board shall be on a form provided by the Board and all information called for by such form shall be furnished by the appellant. Before making its decision, the Board shall hold a hearing upon the appeal. Notice of the time and place of such hearing shall be sent by mail to the appellant, to the owners of all property contiguous to the property with which the appeal is concerned and of all properties opposite said property measured at right angles to the intervening street or streets, and to the Planning Commission and the Building Inspector, at least five (5) days previous to the day fixed for the hearing. Such notice shall contain the name of the appellant, the time and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the special exception or other question or variance for which the appellant appeals. Before any appellant shall be entitled to any hearing or decision, he shall pay to the Board the expenses of the appeal, including the sending of notices, as fixed by the Board, such payment or the estimated amount of same to be paid with the filing of the appeal. The Board may give notice to other interested persons and organizations.

The hearing may be adjourned from time to time, and if the time and place of the adjourned meeting be publicly announced at the hearing at the time of the adjournment, no further notice of such adjourned meeting shall be required.

2. — Each appeal, filed in proper form with the required dates, shall be numbered serially, docketed, and shall be placed upon the calendar of the Board and shall be heard in the order in which they appear on the calendar, unless advanced for hearing by order of the Board for good cause shown. The calendar of cases to be heard shall be posted in the office of the Board five days before the meeting at which the hearing is scheduled.

3. — A Letter or Decision or any other action of the Board shall be sent to the applicant informing

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him/her that the minutes of such meeting are available at the Planning Commission Office upon the Board's approval of the minutes. The minutes shall contain findings as the basis for the Board's decision or action and the vote of each member of the Board, those absent being so marked.

~~22-85, 2002-~~



Weber County

March 8, 2011

RE: Options for deferrals of public improvements (curb, gutter, sidewalk, asphalt)

To: Western Weber County Planning Commission

From: Sean Wilkinson
Weber County Planning Division

In response to a request by the County Commission, the Planning Division has begun the process of researching the best way of dealing with deferrals of curb, gutter, and sidewalk improvements. The attached memo, which has been given to each of the County Commissioners, presents several options for the County to consider regarding this issue. This will require a policy decision by the County Commission, but staff welcomes your comments in preparation for a future presentation on this issue. Please come prepared to discuss any questions or comments that you have. Thank you for your hard work and dedication.

Sincerely,

Sean Wilkinson
Weber County Planning Division
swilkinson@co.weber.ut.us
801-399-8765



Weber County

December 13, 2010

RE: Options for deferrals of public improvements (curb, gutter, sidewalk, asphalt)

To: Weber County Commission

From: Sean Wilkinson
Weber County Planning Division

Dear Commissioners,

The issue of deferring public improvements (curb, gutter, sidewalk, asphalt) for subdivisions has been brought up several times over the last year. The discussions on this issue have been focused on a few main points including:

- Where are deferrals appropriate?
- Under what circumstances are deferrals appropriate?
- Is the current deferral agreement appropriate?

In answer to the first two questions, the Weber County Subdivision Ordinance states the following about deferrals:

(26-4-2.5) "Curbs and gutters shall be installed on existing and proposed streets by the subdivider. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and Gutter shall be installed by the subdivider in subdivisions along the abutting Utah State Highways if required by Utah State Department of Transportation.

(26-4-2.6) "Sidewalks shall be required by the Planning Commission for reasons of safety and public welfare, and where the proposed subdivision is located within the walking distance as established by the School District. Deferrals for sidewalk will be required for lots in the Ogden Valley. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the County Commission. Approved walking paths may be substituted for sidewalks."

Based on the Subdivision Ordinance language, deferrals can be granted in Western Weber County, but they are required in the Ogden Valley. In addition, the only time when sidewalk deferrals are appropriate is when the subdivision falls outside of the "walking area" established by the Weber School District, which is 2 miles for primary schools and 1.5 miles for secondary schools. UDOT initially decides whether or not deferrals will be allowed on State Roads.

The third question regarding the existing deferral agreement was discussed in April with representatives from the Planning Division, Engineering Division, Operations Department, Attorney's Office, and County Commission. At that meeting, the existing deferral agreement was discussed, and a decision was made to research potential options for changing the agreement. These options are presented below.

Option 1: Keep the existing agreement in place. The current deferral agreement is signed by the developer but it applies to all future lot owners within the subdivision. The agreement requires the lot owner to install the deferred improvements within 60 days of the County's request, or a lien is placed on the property in favor of Weber County to secure installation of the improvements. However, if the County creates a special improvement district instead of collecting on the individual agreements, the lot owners agree not to protest full participation in the special improvement district. The County has many existing deferral agreements, but the Planning and Engineering Divisions are unaware of the County ever collecting on one of these agreements.

While this option is how the County currently handles deferral agreements, there are negative aspects associated with this approach including the following:

- The developer does not bear the burden or cost for installation of the deferred improvements. The cost and responsibility for installation are passed on to the subsequent lot owner, who may not be aware of the agreement.
- The County Commission has the responsibility of deciding whether or not the deferral agreement is used. This can create a confrontational situation with property owners who are unaware of the agreement and may not be able to afford the cost of installing the improvements.

Option 2: Require participation in a special improvement district only. One of the options in the existing agreement is for the County to create a special improvement district and require full participation from each lot owner. If the County does not want to be involved with collecting on individual agreements, this option works well. The new agreement would require full participation without protest in a future special improvement district. This option also allows the County to recover the improvement costs without requiring full payment or actual installation of the improvements up front. In addition, the total cost is the true cost at the time of installation, rather than collecting money up front, but falling short due to increased prices when installation actually takes place.

However, there are negative aspects of this approach as well. The burden is still placed on the lot owner rather than the developer, the County bears the cost and burden of creating, implementing, and tracking the special improvement district, and creating a special improvement district may not be a popular political decision. In addition, a special improvement district generally requires a large area in order to be feasible and spread the cost sufficiently.

Option 3: Require the developer to pay the full cost of the improvements prior to recording the subdivision. This method is used by Salt Lake County and other jurisdictions in the area. The deferral would be granted only if the developer pays the full cost of the improvements to the County prior to recording the subdivision. This option eliminates the need for the special improvement district and collection on individual agreements, but it puts a larger burden on individuals who are creating minor subdivisions, and may not be able to afford the full cost of improvements up front. For example, improvement costs on a one lot subdivision with 150 feet of frontage would typically be about \$7,500.

One question that should be asked is whether or not one lot subdivisions that may not need improvements at the present time, should be treated differently than larger subdivisions where improvements are necessary. Another question is how will the County manage the money that is not used immediately?

Option 4: Eliminate the option for deferrals. This option would guarantee the installation of improvements, but connecting the improvements in the future would be an engineering challenge. The Weber School District prefers this option because it provides the best measure of safety for students walking to school.

For this option the Ogden Valley needs to be addressed separately from Western Weber County. Currently deferral agreements are required for subdivisions in the Ogden Valley because “urban” improvements are not desired in a “rural” setting. If the County does not want curb, gutter, and sidewalk in the Ogden Valley this issue needs to be addressed. Should the Ogden Valley be exempt from deferral agreements? Should a deferral agreement for pathways in Ogden Valley be established?

Each of these options has positive and negative aspects in regards to safety, financial issues, engineering issues, and political efficacy. The Planning Division is not recommending a specific option at this time, but we would like the Commissioners to review these options and meet with the agencies mentioned previously to discuss the best way to move forward with deferral agreements in Weber County.